

## **PART I**

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

(FC Doc. 05/15)

**27<sup>th</sup> Annual Meeting, 19-23 September 2005**

**Tallinn, Estonia**

#### **I. Opening Procedures (Agenda items 1-8)**

##### **1. Opening Remarks by the Chairman, D. Swanson (USA)**

The meeting was called to order by the Chair, Dean Swanson (USA), at 11:30 hrs on Monday, September 19, 2005. Representatives from the following Contracting Parties (CPs) were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russian Federation, Ukraine, and United States of America (Annex 1).

Opening statements from the delegations had been presented at the opening session of the General Council.

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

Ricardo Federizon, FC Coordinator (NAFO Secretariat), was appointed Rapporteur for this meeting. As Rapporteur, he was responsible to maintain and prepare the record of decisions by the Fisheries Commission (Annex 2).

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

The agenda was **adopted** with a few additions (Annex 3). Under item 18.1, Cod in Div. 2J3KL was added to Cod in Div. 3NO. The joint proposal of the EU and USA on the conservation of sharks and prohibition of shark finning was included as item 18.11 Shark finning.

##### **4. Admission of Observers**

The Executive Secretary invited the following international organizations in accordance with Rule 10 of the Rules of Procedure: Food and Agriculture Organization of the United Nations (FAO), International Commission for the Conservation of Atlantic Tunas (ICCAT), International Council for the Exploration of the Sea (ICES), North Atlantic Marine Mammal Commission (NAMMCO), North Atlantic Salmon Conservation Organization (NASCO), North East Atlantic Fisheries Commission (NEAFC), North Pacific Anadromous Fish Commission (NPAFC). No applications from non-governmental organizations (NGOs) have been received at the NAFO Secretariat pursuant to Rule 9 of the Rules of Procedure. This was discussed at the General Council session. Observers from FAO, ICCAT, and NAMMCO were welcomed.

##### **5. Publicity**

As in past meetings, it was agreed that there would be no public statements until the conclusion of the meeting, at which time a press statement would be released. In accordance with the media policy adopted in 2004 (GC Doc. 04/4), it was agreed that consideration of agenda item 8 would be open to the media.

##### **6. Guidance to STACTIC necessary for them to complete their work**

Two proposals pending at STACTIC were presented by Mr. Martin Newman (EU), the former Chair of STACTIC.

- a) The proposal from Russia to reduce the minimum mesh size used in the redfish fishery in Div. 3O from 130 mm to 100 mm
- b) The proposal from Ukraine to convert the current Observer Scheme as a compliance tool to a Scientific Observer Scheme.

With regard to the first proposal, SC Chair remarked that the question of whether there is a scientific justification for the reduction of mesh size could not be addressed by the Scientific Council at the Annual Meeting. The Fisheries Commission therefore decided to defer the question to the Scientific Council as part of the FC request for advice in 2006 (see agenda item 19 and Annex 13, item 12).

With regard to the second proposal, STACTIC was asked to evaluate the implications of the Ukrainian proposal focusing on the following questions:

- a) *Given the current scheme, what incremental information would be required to satisfy data requirements as per SCS Doc. 00/23 ( FC Doc. 03/18)?*
- b) *Assuming the current scheme is fully operational, what would be the impact on compliance measures and programs if the program was eliminated?*

After STACTIC deliberated on these questions, the new STACTIC Chair, Höskuldur Steinarsson (Iceland) summarized the discussion (FC W.P. 05/13):

- a) In view of the high degree of variability in the implementation of the current observer scheme, the information necessary to fulfil the data requirements set out in the FC Doc. 03/18 may differ from Contracting Party to Contracting Party. Against this background it is difficult to answer the question without a detailed analysis of the observer reports received from Contracting Parties in comparison to the required data. If it should be considered appropriate to carry out an evaluation, STACTIC considers that it might be helpful if the Scientific Council were to provide an assessment of the quality and content of the observer data that is being received from various Contracting Parties.
- b) In order to answer this question, it would first be necessary to address the underlying assumption that the scheme is fully operational in all Contracting Parties. This would involve making a hypothetical assessment of the effectiveness of the system that would have been assumed to have been implemented as originally envisioned. Secondly, if it were possible to make such an assessment, the resulting impacts on the compliance measures and programs could be, in any event, highly variable depending not only on the degree of effectiveness of the program, but also the relative performance of other elements of the MCS programs in the various Contracting Parties. Given this context, STACTIC feels it is unable to provide a clear answer at this time.

Iceland expressed the view that under the current Observer Scheme, 100% coverage is unnecessary. Preliminary analysis of the data from the Pilot Observer Scheme, conducted by Iceland, indicated that a reduction of the coverage does not compromise the efficiency of the current Scheme as a compliance tool.

## **7. Guidance to SC necessary for them to complete their work**

After hearing the scientific advice (agenda item 15), the Fisheries Commission asked the Scientific Council to address the following questions during this Annual Meeting:

- a) *Is there any information on the by-catch of juvenile Greenland halibut in the shrimp fishery in Division 3M?*
- b) *What is the impact of increased level of TAC for shrimp in Divisions 3LNO on the juvenile component of the Greenland halibut stock in Divisions 2J + 3KLMN stock?*
- c) *Noting the prospects for rebuilding this stock are poor, can SC advise how the original expected results of the Greenland Halibut Rebuilding Plan can be achieved?*
- d) *Is there a scientific justification for reducing the mesh size in Division 3O and what would be the effect of a reduction of mesh size on the level of mortality?*

- e) *Would a harmonization of mesh size with NEAFC in Divisions 1F2GJH3K have a detrimental effect on the target species and other fisheries in the area?*

After having deliberated on these questions, the SC responded (SC Working Paper 05/31):

- a) By-catch information is available from the Icelandic fishery but it is not clear how representative this is of the fishery as a whole. There are data available for several other fleets but analyses were not possible at this meeting. Scientific Council cannot advise on the magnitude of any impact of the Div. 3M shrimp fishery on juvenile Greenland halibut at this time.

Scientific Council reiterates its recommendation from the September 2004 meeting that Contracting Parties provide all available data on by-catch and discards of Greenland halibut in Subarea 2 and Divisions 3KLMNO shrimp fishery for consideration in future assessments. Scientific Council further recommends that data collected by Contracting Parties on species taken as by-catch in or discarded from the shrimp fishery be made available for consideration in future assessments.

- b) Catch of juvenile Greenland halibut in the Canadian shrimp fishery in Div 3L averaged 2Kg/ton of shrimp. As this fishery constitutes the bulk of the catch in the area, this can be considered representative of the fishery as a whole. A 9000 t increase in quota would therefore be expected to result in an 18 t increase in the by-catch of juvenile Greenland halibut.
- c) The Fisheries Commission Rebuilding Plan for Greenland halibut has never been evaluated in its entirety by Scientific Council. The SC is uncertain of the intent of the plan beyond the TACs established for 2004 to 2007 and the stated biomass target of 140 000 t of 5+ biomass. In order to address this question specific information on how the Fisheries Commission intends to reach this target over the term of the rebuilding plan is required.

The Scientific Council was unable to address questions d) and e) during the 2005 Annual Meeting. Therefore, these questions were included in the request of the Fisheries Commission to the Scientific Council for scientific advice (see agenda item 19 and Annex 13).

The Fisheries Commission also asked the Scientific Council regarding the utility of introducing a scientific observer programme as proposed by Ukraine. Specifically, the Scientific Council is asked to provide advice on the possible structure and coverage of such a programme. The questions concerning the scientific observer program were included in the request of the Fisheries Commission to the Scientific Council for advice (see agenda item 19 and Annex 13).

## **8. FC/GC/SC Joint Session: Discussion of Ecosystem Approach to Fisheries Management.**

Gabriella Bianchi of FAO made a presentation on the concepts and principles of the ecosystem approach to fisheries management. A discussion ensued on the presentation and on the proposal of Canada on the Ecosystem Approach to Fisheries (EAF) interim measures (Annex 4). The proposal was **adopted**. The main features of the EAF interim measures are:

- a) Fisheries Commission requests the Scientific Council for advice on:
- i) The development of criteria for determining areas of marine biological and ecological significance,
  - ii) The identification of such areas in the NAFO Regulatory Area
- b) Amendment of Article 20 of the NAFO Conservation and Enforcement Measures to accommodate the collection of the following data for EAF purposes: species composition in number and weight, length frequencies, otoliths, set location, latitudes and longitudes, fishing gear, depth fished, time of day, duration of set, tow opened (for mobile gear), and other biological sampling such as maturity where possible.

Under the EAF interim measures, it is also proposed that NAFO develop a process to seek additional information on the seamounts in the NAFO Regulatory Area. As a parallel step, any fishing activity on known

seamounts found in the NAFO Regulatory Area must be subject to extensive data collection. This approach will provide additional data for the Scientific Council to consider and eventually assist the Fisheries Commission to prioritize the areas of ecological and biological significance.

Denmark (in respect of the Faroe Islands and Greenland) expressed the view that in any discussion of ecosystem approaches to fisheries management, it is equally important to look at the top of the system and the role of predators in relation to fisheries management, noting the large size of the harp seal stock in the Northwest Atlantic. DFG noted that the NAFO Scientific Council has a joint Working Group with ICES on harp and hooded seals, but no information on seals has been presented to the Fisheries Commission in recent years. In the light of this, DFG proposed that the Scientific Council report to the Fisheries Commission at the next annual meeting with an overview of present knowledge on the role of seals in the marine ecosystems of the Northwest Atlantic and their impact on fish stocks in the NAFO area (see also Annex 13, item 10).

## **II. Administrative (items 9-10)**

### **9. Review of Commission Membership**

It was noted that the membership of the Fisheries Commission is 12, i.e. all Contracting Parties except Bulgaria.

### **10. Timely submission of fishery statistical data**

This item was deferred to STACTIC for deliberation.

## **III. Conservation and Enforcement Measures (items 11-14)**

### **11. Report of STACTIC, April 2005 (Reykjavik)**

The STACTIC April 2005 report (FC Doc. 05/2) was presented together with the STACTIC Report at the Annual Meeting under agenda item 14.

### **12. Review of Chartering Arrangements**

A report on the use of chartering arrangements was presented by the NAFO Secretariat (FC Working Paper 05/2). The Fisheries Commission took note of this report.

### **13. UN General Assembly Resolutions A/RES/59/24 and 25 and implications for NAFO**

The Executive Secretary presented from two UN resolutions relevant to NAFO with comments on whether and how the issues had already been addressed by NAFO (FC WP 05/10). UN Resolution A/RES/59/24 concerns Oceans and the Law of the Sea; Resolution A/RES/59/25 concerns sustainable fisheries including the provisions of the Law of the Sea that related to the Conservation and Management of Straddling Fish Stocks.

### **14. Report of STACTIC at the Annual Meeting**

The Chair of STACTIC, Höskuldur Steinarsson, presented the STACTIC report (FC Doc. 05/2) to Fisheries Commission.

- a) STACTIC recommended the adoption of the Annual Compliance Review – 2004 (Annex 5 - STACTIC WP 05/41 (Revised)).
- b) STACTIC recommended that the Pilot Project on Observers, Satellite Tracking and Electronic Reporting be extended to 2006.
- c) STACTIC recommended the adoption of a proposal on designated ports where Greenland halibut catch can be landed (Annex 6 - STACTIC WP 05/29 (Revised)).

- d) STACTIC recommended adding Saint-Pierre, France, as a possible port of rerouting in Article 32, paragraph 7 (Serious Infringements) (Annex 7 - STACTIC WP 05/34)
- e) STACTIC recommended a mechanism to assist in the accurate catch reporting of wolffish and hake (Annex 8 - STACTIC WP 05/38).
- f) STACTIC recommended the adoption of a revised format protocol in the return messages in the VMS (Annex 9 - STACTIC WP 05/09 (Revision 2)).

In addition, from the STACTIC April 2005 Meeting Report,

- g) STACTIC recommended the adoption of new reporting requirements involving transshipment of fish at sea (Annex 10 - STACTIC WP 05/8 (Revised)).

The Fisheries Commission **adopted** all recommendations by STACTIC.

#### **IV. Conservation of Fish Stocks in the Regulatory Area** (items 15-19)

##### **15. Summary of Scientific Advice by the Scientific Council**

###### **Stock Assessments and recommendations (Scientific Council Chair)**

The Chair of the Scientific Council, Dr. Joanne Morgan (Canada), presented a summary of the scientific advice to Fisheries Commission for 2006 and 2007. This included information contained in SCS Doc. 05/10 from June 2005 and SCS Doc. 04/20 from November 2004, as well as from SC Working Paper 05/29 and 05/30 from this meeting.

The Chair of Scientific Council also presented trends of the physical environment (oceanography) of the NAFO waters and their influence on the marine resources. The year 2004 was a year of considerable broad scale warming in North Atlantic. The highlights were:

- In the West Greenland and Labrador Sea, warm-saline ocean conditions dominated. Surface temperatures were highest in 45 years over many areas.
- On the Newfoundland and Labrador Shelf, sea-ice was lighter than normal for the 10<sup>th</sup> consecutive year with ocean temperatures increasing to historical highs.
- On the Scotian Shelf and in the Gulf of Maine, conditions were lightly colder and fresher than normal as northern waters penetrated further south.
- Influences of the ocean climate on the marine resources in NAFO waters include:
  - Warm-saline ocean conditions were favourable for fish production (e.g. cod, capelin, salmon),
  - Periods of colder conditions in the early 1990s coincided with increased production of crabs and shrimps,
  - Environmental conditions appear to be important at early life history stages for many species as well as influencing growth rates, metabolism and reproduction.

The following stocks were fully assessed including elaboration of scientific advice for 2006:

Species	Recommendation for 2006
Shrimp in Division 3M	The stock appears to have sustained an average annual catch of about 48 000 t since 1998 with no detectable effect on stock biomass. Of the year-classes that will be the main contributors to the fishery over the next few years, the 2000 year-class seems weak and the 2001 and 2002 year-classes appear above average. The Scientific Council advises a catch of 48 000 t for 2006.
Shrimp in Division 3LNO	The TAC, within an adjacent Canadian shrimp stock, has been about 12% of the fishable biomass since 1997. Applying this percentage to the inverse variance weighted average fishable biomass from the four most recent surveys

	<p>results in a TAC of 22 000 t. Therefore, Scientific Council recommends that the 2006 TAC should not exceed 22 000 t and that this TAC should not be raised for a number of years to allow time to monitor the impact of the fishery upon the Div. 3LNO shrimp stock.</p> <p>Scientific Council reiterated its recommendations that the fishery be restricted to Div. 3L and that the use of a sorting grate with a maximum bar spacing of 22 mm be mandatory for all vessels in the fishery.</p>
Greenland halibut in Subarea 2 and Div. 3KLMNO	<p>Projections were conducted assuming that the catches in 2005 to 2007 do not exceed the rebuilding plan TAC values (19 000, 18 500 and 16 000 t, respectively). Projection results indicate that although there is improvement in the 5+ biomass from the 2005 estimate, there is a high probability (&gt;85%) that the projected biomass for 2008 will remain below the level of 2003, when the Fisheries Commission rebuilding plan was implemented. Projected average fishing mortality indicates a reduction in average <math>F</math> under the rebuilding plan TACs from 2005 to 2007. Projections indicate that average fishing mortality in 2007 (0.38) will exceed <math>F_{max}</math>, and that current prospects for stock rebuilding are poor.</p> <p>Scientific Council noted that the 2004 catch of 25 500 t exceeded the 2004 rebuilding plan TAC by 27%. The projected 2008 5+ biomass in the current assessment is 15% lower than that predicted in the 2004 assessment. This discrepancy is consistent with the fact that the 2004 catch exceeded the TAC. Scientific Council noted that if the remaining rebuilding plan TACs were exceeded, the prospects for rebuilding would be further diminished.</p> <p>The Council reiterates its concern that the catches taken from this stock consist mainly of young, immature fish of ages several years less than that at which sexual maturity is achieved.</p> <p>During previous assessments, Scientific Council has noted that fishing effort should be distributed in a similar fashion to biomass distribution in order to ensure sustainability of all spawning components.</p> <p>It is strongly recommended that Fisheries Commission take steps to ensure that any by-catches of other species during the Greenland halibut fishery are true and unavoidable by-catches.</p>

The following stocks were fully assessed including elaboration of a scientific advice for 2006 and 2007:

Species	Recommendation for 2006/2007
Cod in Division 3N and 3O	There should be no directed fishing for cod in Div. 3N and Div. 3O in 2006 and 2007. By-catches of cod should be kept to the lowest possible level and restricted to unavoidable by-catch in fisheries directed for other species. Efforts should be made to reduce current levels of by-catch

American plaice in Divisions 3LNO	There should be no directed fishing on American plaice in Div. 3LNO in 2006 and 2007. By-catches of American plaice should be kept to the lowest possible level and restricted to unavoidable by-catch in fisheries directing for other species. Efforts should be made to reduce current levels of by-catch.
Witch flounder in Divisions 2J, 3K and 3L	No directed fishing on witch flounder in the years 2006 and 2007 in Div. 2J, 3K and 3L to allow for stock rebuilding. By-catches of witch flounder in fisheries targeting other species should be kept at the lowest possible level.
Redfish in Division 3M	<p>In order to maintain relatively low fishing mortalities so as to promote stock recovery, Scientific Council recommends that catch for Div. 3M redfish in year 2006 and 2007 be in the range of 3 000-5 000 t.</p> <p>At present, stock growth in biomass and in abundance is dependent upon the appearance and survival of cohorts past their early life stage so that they recruit to the commercial fishery and SSB. Scientific Council considers that it is important to keep the by-catch of this very small redfish to a minimum.</p>
Redfish in Divisions 3L and 3N	<p>Scientific Council advises no directed fishing for redfish in Div. 3LN in years 2006 and 2007.</p> <p>By-catch of redfish in fisheries targeting other species should be kept to the lowest possible level. There is little information of the by-catch of redfish in the shrimp fishery in Div. 3L. By-catches of redfish should be kept to the lowest possible level in this fishery.</p>
Redfish in Division 3O	Catches have averaged about 13 000 t since 1960 and over the long term, catches at this level appear to have been sustainable. The Scientific Council noted that over the period from 1960 to 2004, a period of 45 years, catches have surpassed 20 000 t in only three years. The Scientific Council noted there is insufficient information on which to base predictions of annual yield potential for this resource. Stock dynamics and recruitment patterns are also poorly understood. Scientific Council is unable to advise on an appropriate TAC for 2006 and 2007.
Capelin in Divisions 3N and 3O	Scientific Council recommends no directed fishery on capelin in Div. 3NO in 2006-2007.
White hake in Divisions 3N and 3O	Given the intermittent recruitment to this stock, and the change in fisheries between directed and by-catch, it is not possible to advise on an appropriate TAC. However, with lower biomass and poor recruitment after the 1999 year-class, Scientific Council advised that catches of white hake in Div. 3NO at the current TAC of 8 500 t are not sustainable.

The following stocks were monitored and there was no reason to change the advice given:

- Cod in Div. 3M
- American plaice in Div. 3M
- Witch flounder in Div. 3NO
- Thorny skate in Div. 3LNO
- Northern shortfin squid in Subareas 3+4.

Following special requests by the Fisheries Commission the following advice was given:

Species/Stocks	Status and/or Advice
Greenland halibut in Subarea 2 and Div. 3KLMNO Rebuilding Strategy	see above
The Precautionary Approach	<p>Substantial progress was made during 2004 on applying the PA to Div. 3LNO yellowtail flounder and Div. 3M shrimp.</p> <p>With the Div. 3LNO yellowtail flounder stock currently in the safe zone, and assessing the stock using a production model, it is unlikely that the advice from Scientific Council would differ for this stock if the PA framework were not applied.</p> <p>With the biomass of Div. 3M shrimp at such a high level it is unlikely that the advice from Scientific Council would differ for this stock if the PA framework were not applied.</p>
Pelagic <i>Sebastes mentella</i> (redfish) in Subareas 1-3 and adjacent ICES Area	<p>Based on the fisheries information, it was concluded that the fishing pattern in 2004 was similar to that in the past six years, both seasonally and geographically. Total landings declined from about 151 000 t in 2003 to 124 000 t in 2004. The amount taken within the NAFO Regulatory Area (NRA) in Div. 1F and Div. 2J increased from about 22 000 t in 2003 to about 24 000 t in 2004.</p> <p>In 2004 the conclusion of ICES was to maintain the current advisory units until more information becomes available. In 2005 new information was available but Scientific Council agreed with the conclusion that a comprehensive evaluation that integrates the new information with those from other disciplines is required.</p>
Redfish in Div. 3LN and 3O	<p>Most studies the Council has reviewed in the past have suggested a close connection between Div. 3LN and Div. 3O, particularly between Div. 3O and Div. 3N for both species of redfish. While many of the studies suggested a single management unit, differences observed in population dynamics between Div. 3O and Div. 3LN suggest that it would be prudent to keep Div. 3O as a separate management unit. This is also the suggestion of the 2005 study (SCR Doc. 05/50) with regard to the argument that Div. 3O may act as a buffer zone between surrounding populations.</p>

**b) Other issues (as determined by SC)**

The SC Chair noted the difficulties encountered by the Scientific Council in obtaining catch data in advance of the June meeting stock assessment and expressed serious concerns about the quality of the data. The SC Chair urged all Contracting Parties to take measures to improve the accuracy of their catch estimates and present them in advance of future June Meetings.

**16. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2006**

**16.1 Redfish in Div. 3M**

In accordance with the scientific advice, it was decided that the 2005 provisions for this stock will be continued in 2006 and 2007. By-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3 apply.



## **16.2 Shrimp in Div. 3M**

The Scientific Council recommended a TAC of 48 000 t for this stock. There was no unanimous agreement regarding management measures for this stock. Iceland maintained its previous position that the provisions and measures in the NAFO CEM concerning this stock are contrary to the scientific advice. The Fisheries Commission decided that the 2005 provisions be applied in 2006 and noted the reservation of Iceland.

## **17. Possible expansion of Precautionary Approach (PA) Framework to other stocks**

Canada proposed that the Fisheries Commission request the Scientific Council to determine biological reference points for all outstanding stocks. Currently, two stocks (yellowtail flounder in Div. 3LNO and shrimp in Div. 3M) are regulated in light of advice from the Scientific Council under the Precautionary Approach framework. The USA cautioned about making a “blanket” request to the Scientific Council. The Chair encouraged the Contracting Parties to consult their respective scientists in prioritizing fish stocks for determination of reference points. The Fisheries Commission encouraged the continuing work of the SC in determining reference points for the PA framework.

## **18. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2006**

### **18.1 Cod in Div. 3NO and in 2J3KL**

In accordance with the scientific advice, it was decided that the 2005 provisions for Cod in Div. 3NO will be continued in 2006 and 2007, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3. Canada has noted that this stock is being considered for “species-at-risk” designation.

It was also decided that Article 4 concerning the allocation of Cod in Divisions 2J3KL be revised deleting the date reference of 31 December 2005.

### **18.2 Redfish in Division 3LN and Division 3O (Redfish 3O – 3 year TAC)**

In accordance with the scientific advice, it was decided that there will be no directed fishery for redfish in Divisions 3LN in 2006 and 2007.

No action was taken regarding redfish in Division 3O. The three year TAC of 20 000 t adopted in 2004 will therefore remain unchanged in 2006 and 2007.

### **18.3 American plaice in Division 3LNO**

In accordance with the scientific advice, it was decided that the 2005 provisions for American plaice in Div. 3LNO will be continued in 2006 and 2007, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3.

### **18.4 Witch flounder in Division 2J3KL**

In accordance with the scientific advice, it was decided that the 2005 provisions for witch flounder in Div. 2J3KL will be continued in 2006 and 2007, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3.

### **18.5 Yellowtail flounder in Division 3LNO (PA framework)**

It was decided that the 2005 provisions for this stock will be continued in 2006. By-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3 apply. The TAC is 15 000 t.

### **18.6 White Hake in Division 3NO (3 year TAC)**

No action was taken. The three year TAC of 8 500 t adopted in 2004 will therefore remain unchanged in 2006 and 2007.

### **18.7 Capelin in Division 3NO**

In accordance with the scientific advice, it was decided that the 2005 provisions for capelin in Div. 3NO will be continued in 2006 and 2007, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3.

### **18.8 Greenland halibut in Division 3LMNO (Rebuilding Plan)**

No action was taken. The TAC of 13 709 t for 2006 which had been adopted in the framework of the rebuilding plan will therefore remain unchanged.

### **18.9 Shrimp in Division 3LNO**

The Scientific Council recommended an increase in the TAC for this stock from 13 000 to 22 000 t. There was no unanimous agreement regarding the percentage formula used to allocate this stock. Denmark (in respect of the Faroe Islands and Greenland) reiterated its position from previous years that the percentage formula should be based on allocation criteria as normally negotiated and applied in the allocation of stocks in the NAFO area. The Fisheries Commission decided that the 2005 provisions be applied in 2006 to an increased TAC of 22 000 t and noted the reservation of DFG to the percentage formula.

### **18.10 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area**

It was decided that the TAC in 2006 is 20 378 t following a reduction in the TAC for this shared stock by NEAFC earlier this year. The allocation formula is the same as in 2005. Footnote 10 was revised to read: "In case of the NEAFC decision which modifies the level of TAC for this stock in 2006 as compared to 2005, these figures shall be adjusted by NAFO and formalized through a mail vote". The reservation of Russia on the TAC was noted.

### **18.11 Shark finning**

The joint proposal of the EU and the USA concerning the conservation of sharks and prohibition of shark finning was **adopted** (Annex 11 - FC Working Paper 05/12).

The Quota Table for 2006, Effort Allocation Scheme for Shrimp Fishery in the NRA Div. 3M, 2006 and Rebuilding Plan for 3LMNO Greenland halibut (CEM Annexes I.A, I.B, I.C, respectively) can be found in Annex 12 to this Report.

## **19. Formulation of Request to the Scientific Council for scientific advice on the management of fish stocks in 2007**

The Fisheries Commission **adopted** three papers containing its request for scientific advice to the Scientific Council (FC WP 05/18, FC WP 05/19, SC WP 05/32). (Note: These three papers are now incorporated in FC Doc 05/14) (Annex 13).

## **V. Closing Procedure (Items 20-23)**

### **20. Election of Chair and Vice-Chair**

Mr. Vladimir Shibanov of Russia was elected Chair of the Fisheries Commission. Mr. Kolbeinn Arnason of Iceland was elected Vice-Chair.

**21. Time and Place of the Next Meeting**

This agenda item was, as usual, deferred to the General Council.

**22. Other Business**

The joint proposal by Canada and the EU regarding the Reform of NAFO was **adopted** (Annex 14 - GC Working Paper 05/8, Revision 2).

The arrangement between Russia and Japan transferring Russia's 2005 quota of 300 t of Redfish in 3M to Japan was **approved**.

**23. Adjournment**

In his valedictory remarks as out-going Chair of the Fisheries Commission, Dean Swanson (USA) expressed his thanks to all delegations for their cooperation at the present and preceding three meetings. He also thanked Secretariat members Gordon Moulton, Barbara Marshall, and Ricardo Federizon for their excellent assistance at and between meetings, former rapporteurs Brian Lester and Kym Purchase (Canada), and STACTIC Chairs David Bevan, Martin Newman, and Höskuldur Steinarsson. Contracting Parties expressed their appreciation to Dr. Swanson for his excellent services as Chair of the Fisheries Commission.

The meeting was adjourned at 17:25 on Thursday, 22 September 2005.

## **Annex 1. List of Participants**

### **CANADA**

#### **Head of Delegation**

David Bevan, Assistant Deputy Minister, Fisheries and Aquaculture Management, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6  
Phone: +613 990 9864 – Fax: +613 990 9557 – [bevand@dfo-mpo.gc.ca](mailto:bevand@dfo-mpo.gc.ca)

#### **Alternate (General Council)**

Guy Beaupré, Director General, International Affairs Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6  
Phone: +613 993 1873 – Fax: +613 993 5995 – E-mail: [beaupreg@dfo-mpo.gc.ca](mailto:beaupreg@dfo-mpo.gc.ca)

#### **Representatives**

David Bevan (see address above)  
Earle McCurdy, President, Fishermen, Food and Allied Workers Union/CAW, P. O. Box 10, St. John's, Newfoundland & Labrador A1C 5H5  
Phone: +709 576 7276 – Fax: +709 576 1962 – E-mail: [emccurdy@ffaw.nfld.net](mailto:emccurdy@ffaw.nfld.net)  
Derrick Rowe, President, Fishery Products International, Fishery Products International, 70 O'Leary Ave., P. O. Box 550, St. John's, Newfoundland & Labrador A1C 5L1  
Phone: +709 570 0000 – Fax: +709 570 0479 – E-mail: [drowe@fpil.com](mailto:drowe@fpil.com)

#### **Advisers**

Marina Asari, Head of the Office, Office of the Canadian Embassy, Toom-Kooli 13, 11 floor, Tallinn, 10130, Estonia  
Phone: +372 6 273 311 – Fax: +372 6 273 312 – E-mail: [marina.asari@canada.ee](mailto:marina.asari@canada.ee)  
Chris Allen, Senior Advisor, Fisheries, Environment & Biodiversity Science Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, 12<sup>th</sup> Floor, Ottawa, Ontario K1A 0E6  
Phone: +613 990 0105 – Fax: +613 954 0807 – E-mail: [allenc@dfo-mpo.gc.ca](mailto:allenc@dfo-mpo.gc.ca)  
Sophie Bélisle, Administrative Assistant, International Affairs, Dept. of Fisheries and Oceans, 8E-218, 200 Kent St., Ottawa, Ontario K1A 0E6  
Phone: +613 993 1852 – Fax: +613 993 5995 – E-mail: [belisles@dfo-mpo.gc.ca](mailto:belisles@dfo-mpo.gc.ca)  
Nadia Bouffard, Director, Atlantic Affairs and International Governance, International Affairs Directorate, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6  
Phone: +613 993 1860 – Fax: +613 993 5995 – E-mail: [bouffardn@dfo-mpo.gc.ca](mailto:bouffardn@dfo-mpo.gc.ca)  
Bill Brodie, Science Br., DFO, Newfoundland & Labrador Region, P. O. Box 5667, St. John's, Newfoundland & Labrador A1C 5X1  
Phone: +709 772 3288 – Fax: +709 772 4105 – E-mail: [brodieb@dfo-mpo.gc.ca](mailto:brodieb@dfo-mpo.gc.ca)  
Willie Bruce, Regional Director, Fisheries Management, DFO, Newfoundland and Labrador Region, P. O. Box 5667, St. John's, NL A1C 5X1  
Phone: +709 772 4543 – Fax: +709 772 2046 – E-mail: [brucew@dfo-mpo.gc.ca](mailto:brucew@dfo-mpo.gc.ca)  
Bruce Chapman, Executive Director, Groundfish Enterprise Allocation Council, 1376 Revell Drive, Manotick, Ontario K4M 1K8  
Phone: +613 692 8249 – Fax: +613 692 8250 – E-mail: [bchapman@sympatico.ca](mailto:bchapman@sympatico.ca)  
Eugene Colbourne, Science Br., DFO, Newfoundland & Labrador Region, P. O. Box 5667, St. John's, Newfoundland & Labrador A1C 5X1  
Phone: +709 772 6106 – Fax: +709 772 4105 – E-mail: [colbourn@dfo-mpo.gc.ca](mailto:colbourn@dfo-mpo.gc.ca)  
Tom Dooley, Director, Resource Policy, Dept. of Fisheries and Aquaculture, P. O. Box 8700, St. John's, Newfoundland & Labrador A1B 4J6  
Phone: +709 729 0335 – Fax: +709 729 6082 – E-mail: [tdooley@mail.gov.nf.ca](mailto:tdooley@mail.gov.nf.ca)

Judy Dwyer, International Programs and Corporate Services, Fisheries Management Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland & Labrador A1C 5X1  
 Phone: +709 772 8831 – Fax: +709 772 2046 – E-mail: [dwyerji@dfo-mpo.gc.ca](mailto:dwyerji@dfo-mpo.gc.ca)

Marta Farsang, International Fisheries Advisor, Atlantic Affairs Div., DFO, 200 Kent Street, Rm 8E216, Ottawa, Ontario K1A 0E6  
 Phone: +613 990 9387 – Fax: +613 993 5995 – E-mail: [farsangm@dfo-mpo.gc.ca](mailto:farsangm@dfo-mpo.gc.ca)

Wayne Follett, Regional Director General, Newfoundland Region, Dept. of Fisheries, P. O. Box 5667, St. John's, Newfoundland & Labrador A1C 5X1  
 Phone: +709 772 4417 – Fax: +709 772 6306 – E-mail: [follettww@dfo-mpo.gc.ca](mailto:follettww@dfo-mpo.gc.ca)

Wilson Fudge, Fishery Products International, 70 O'Leary Ave., P. O. Box 550, St. John's, Newfoundland & Labrador A1C 5L1  
 Phone: +709 570 0424 – Fax: +709 570 0479 – E-mail: [wfudge@fpil.com](mailto:wfudge@fpil.com)

Neil Greig, Makivik Corporation, Box 179, Kuujuaq, Quebec JOM 1C0  
 Phone: +819 964 2925 – Fax: +819 964 2613 – E-mail: [n\\_greig@makivik.org](mailto:n_greig@makivik.org)

Jon Hansen, Senior Advisor, Resource Management, Scotia-Fundy Sector, 176 Portland St., 5<sup>th</sup> Floor, Marine House, P. O. Box 1035, Dartmouth, N.S. B2Y 4T3  
 Phone: +902 426 9046 – Fax: +902 426 9683 – E-mail: [hansenj@mar.dfo-mpo.gc.ca](mailto:hansenj@mar.dfo-mpo.gc.ca)

Randy Jenkins, Chief, Enforcement Programs, Conservation and Protection, Dept. of Fisheries and Oceans, 13<sup>th</sup> Floor, Room 13W126, Stn. 13116, 200 Kent St, Ottawa, Ontario K1A 0E6  
 Phone: +613 990 0108 – Fax: +613 941 2718 – E-mail: [jenkinsr@dfo-mpo.gc.ca](mailto:jenkinsr@dfo-mpo.gc.ca)

Morley Knight, Director, Conservation and Protection Div., Fisheries Management, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, NL A1C 5X1  
 Phone: +709 772 4494 – Fax: +709 772 3628 – E-mail: [knightm@dfo-mpo.gc.ca](mailto:knightm@dfo-mpo.gc.ca)

Ben Kovic, President, Baffin Fisheries Coalition, P. O. Box 6008, Iqaluit, Nunavut X0A 0H0  
 Phone: +867 979 3066 – Fax: +867 979 3068 – E-mail: [benkovic@bfcoalition.ca](mailto:benkovic@bfcoalition.ca)

Sylvie Lapointe, Head of International Relations, International Affairs Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6  
 Phone: +613 993 6853 – Fax: +613 993 5995 – E-mail: [lapointesy@dfo-mpo.gc.ca](mailto:lapointesy@dfo-mpo.gc.ca)

Brian Lester, Advisor, Resource Management, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6  
 Phone: +613 990 0090 – Fax: +613 990 7051 – E-mail: [lesterb@dfo-mpo.gc.ca](mailto:lesterb@dfo-mpo.gc.ca)

Keith Lewis, Oceans Law Section (JLOA), Oceans and Environmental Law, Foreign Affairs Canada, 125 Sussex Drive, Ottawa, Ontario K1A 0G2  
 Phone : +613 944 3077 – Fax : +613 992 6483 – E-mail : [keith.lewis@international.gc.ca](mailto:keith.lewis@international.gc.ca)

Brian McNamara, President, Newfoundland Resources Ltd., 90 O'Leary Avenue, St. John's, Newfoundland & Labrador A1B 4G1  
 Phone: +709 579 7676 – Fax: +709 579 7668 – E-mail: [nrl@nfld.com](mailto:nrl@nfld.com)

Joanne Morgan, Science Br., DFO, Newfoundland & Labrador Region, P. O. Box 5667, St. John's, Newfoundland & Labrador A1C 5X1  
 Phone: +709 772 2261 – Fax: +709 772 4105 – E-mail: [morganj@dfo-mpo.gc.ca](mailto:morganj@dfo-mpo.gc.ca)

Brent Napier, International Fisheries Officer, International Affairs Directorate, Dept. of Fisheries and Oceans, 8E-234, 200 Kent St., Ottawa, Ontario K1A 0E6  
 Phone: +613 998 3805 – Fax: +613 990 9557 – E-mail: [napierb@dfo-mpo.gc.ca](mailto:napierb@dfo-mpo.gc.ca)

Heather Olson, Dept. of Justice, Counsel, Legal Services, Fisheries and Oceans, Room 800, 200 Kent Street, Ottawa, Ontario K1A 0E6  
 Phone: +613 990 8520 – Fax: +613 990 9385 – E-mail: [olsonh@dfo-mpo.gc.ca](mailto:olsonh@dfo-mpo.gc.ca)

Dave Orr, Science Br., DFO, Newfoundland & Labrador Region, P. O. Box 5667, St. John's, Newfoundland & Labrador A1C 5X1  
 Phone: +709 772 7343 – Fax: +709 772 4105 – E-mail: [orrd@dfo-mpo.gc.ca](mailto:orrd@dfo-mpo.gc.ca)

Greg Peacock, Director, International Affairs, Maritimes Region, Dept. of Fisheries and Oceans, 176 Portland Street, P. O. Box 1035, Dartmouth, N.S. B2Y 4T3  
 Phone: +902 426 3625 – E-mail: [peacockg@mar.dfo-mpo.gc.ca](mailto:peacockg@mar.dfo-mpo.gc.ca)

Christine Penney, Director of Corporate Affairs, Clearwater Seafoods Ltd. Partnership, 757 Bedford Highway, Bedford, Nova Scotia B4A 3Z7  
 Phone: +902 457 2348 – Fax: +902 443-8443 – E-mail: [cpenney@clearwater.ca](mailto:cpenney@clearwater.ca)

Rosalind Perry, Executive Director, Northern Coalition, P. O. Box 6421, 189 Water St., Suite 301, St. John's, Newfoundland & Labrador

Phone: +709 722 4404 – Fax: +709 722 4454 – E-mail: [rwalsh@nfld.net](mailto:rwalsh@nfld.net)

Claire Poulin, Ambassador, Canadian Embassy, Baznicas iela 20\22, 6<sup>th</sup> Floor, Riga LV-1010, Latvia

Phone: +371 781 3949 – Fax: +371 781 3960 – E-mail: [claire.poulin@international.gc.ca](mailto:claire.poulin@international.gc.ca)

Kym Purchase, Senior Advisor, International Affairs, Atlantic Affairs Div., Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6

Phone: +613 993 1862 – Fax: +613 993 5995 – E-mail: [purchasek@dfo-mpo.gc.ca](mailto:purchasek@dfo-mpo.gc.ca)

Lori Ridgeway, Director General, International Coordination and Policy Analysis, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6

Phone: +613 993 1914 – Fax: +613 990 9574 – E-mail: [RidgewayL@dfo-mpo.gc.ca](mailto:RidgewayL@dfo-mpo.gc.ca)

Mike Samson, Deputy Minister, Department of Fisheries and Aquaculture, Government of Newfoundland and Labrador, P. O. Box 8700, St. John's, Newfoundland & Labrador A1B 4J6

Phone: +709 729 3707 – Fax: +709 729 4219 – E-mail: [msamson@gov.nl.ca](mailto:msamson@gov.nl.ca)

Wendell Sanford, Deputy Director, Oceans Law Section (JLOA), Oceans and Environment Law Div., Foreign Affairs Canada, 125 Sussex Drive, Ottawa, Ontario K1A 0G2

Phone: +613 996 2643 – Fax: +613 992 6483 – E-mail: [wendell.sanford@international.gc.ca](mailto:wendell.sanford@international.gc.ca)

Allison Saunders, First Secretary (Fisheries & Environment), Mission of Canada to the European Union, Avenue de Tervuren, 2, 1040 Brussels, Belgium

Phone: +32 (0) 2 741 0688 – Fax: +32 (0) 2 741 0629 – E-mail: [allison.saunders@international.gc.ca](mailto:allison.saunders@international.gc.ca)

Bev Sheppard, Manager, Harbour Grace Shrimp Co. Ltd., P. O. Box 580, Water Street, Harbour Grace, Newfoundland & Labrador A0A 2M0

Phone: +709 596 8000 – Fax: +709 596 8002 – E-mail: [bsheppard@hgsc.ca](mailto:bsheppard@hgsc.ca)

Max Short, Special Advisor, NAFO, Fisheries Management Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland and Labrador A1C 5X1

Phone: +709 772 6369, Cell +709 682 5110 – Fax: +709 772 2046 – E-mail: [shortm@dfo-mpo.gc.ca](mailto:shortm@dfo-mpo.gc.ca)

Paul Steele, Director-General, Conservation and Protection, Fisheries Management, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6

Phone: +613 990 0109 – Fax: +613 941 2718 – E-mail: [steelep@dfo-mpo.gc.ca](mailto:steelep@dfo-mpo.gc.ca)

Bob Steinbock, Senior International Fisheries Advisor, Atlantic Affairs & International Governance Div., International Affairs Directorate, Fisheries & Aquaculture Management, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6

Phone: +613 993 1836 – Fax: +613 993 5995 – E-mail: [steinbob@dfo-mpo.gc.ca](mailto:steinbob@dfo-mpo.gc.ca)

Leo Strowbridge, Director, International Programs and Corporate Services, Fisheries Management Br., Dept. of Fisheries & Oceans, P. O. Box 5667, St. John's, Newfoundland & Labrador A1C 5X1

Phone : +709 772 8021 – Fax : +709 772 2046 – E-mail : [strowbridgel@dfo-mpo.gc.ca](mailto:strowbridgel@dfo-mpo.gc.ca)

Jerry Ward, CEO, Baffin Fisheries Coalition, P. O. Box 6008, Iqaluit, Nunavut X0A 0H0

Phone: +867 979 3066 – Fax: +867 979 3068 – E-mail: [jvward@roadrunner.nf.net](mailto:jvward@roadrunner.nf.net)

Ben Whelan, Chief, NAFO Unit, International Programs and Corporate Services, Fisheries Management, Newfoundland Region, Department of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland and Labrador A1C 5X1

Phone : +709 772 0928 – Fax : +709 772 2046 – E-mail : [whelanb@dfo-mpo.gc.ca](mailto:whelanb@dfo-mpo.gc.ca)

Janice Woodford, Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland & Labrador A1A 3J4

Phone: +709 772 – Fax: +709 772 4880 – E-mail: [woodfordj@dfo-mpo.gc.ca](mailto:woodfordj@dfo-mpo.gc.ca)

## **DENMARK (IN RESPECT OF FAROES AND GREENLAND)**

### **Head of Delegation**

(General Council)

Emanuel Rosing, Head of Unit, Department of Fisheries and Hunting, Greenland Home Rule, Postbox 269, DK-3900, Nuuk, Greenland

Phone: +299 345332 – Fax: +299 324704 – E-mail: [emanuel@gh.gl](mailto:emanuel@gh.gl)

(Fisheries Commission)

Kate Sanderson, Counsellor, Prime Minister's Office, Dept. of Foreign Affairs, FO-100 Torshavn, Faroe Islands  
Phone: + 298 35 10 55 – Fax: +298 35 10 15 – E-mail: [kas@tinganes.fo](mailto:kas@tinganes.fo)

### Advisers

Nicolai Peter Arendt, Gronlands Fiskerilicenskontrol, Postbox 501, DK-3900 Nuuk, Greenland

Phone: +299 258446 – Fax: +299 323235 – E-mail: [nipa@gh.gl](mailto:nipa@gh.gl)

Jóhan Joensen, Faroe Shipowners Association, Gongin 10, P.O. Box 361, FO-110 Torshavn, Faroe Islands

Phone: +298 311800 – Fax: +298 320380 – E-mail: [shipown@post.olivant.fo](mailto:shipown@post.olivant.fo)

Simun Joensen, Fisheries Inspection, Ministry of Fisheries and Maritime Affairs, Heykavegur 6, FO-110 Torshavn, Faroe Islands

Phone: +298 353030 – Fax : +298 313981 – E-mail: [simunj@vb.fo](mailto:simunj@vb.fo)

Andras Kristiansen, Ministry of Fisheries and Maritime Affairs, P. O. Box 347, FO-110 Torshavn, Faroe Islands

Phone: +298 353 030 – Fax: +298 353 241 – E-mail: [andrask@fisk.fo](mailto:andrask@fisk.fo)

Martin Kruse, Adviser, FMC-Manager, Fisheries Inspection, Ministry of Fisheries and Maritime Affairs, P. O. Box 347, FO-110 Torshavn, Faroe Islands

Phone: +298 311065 – Fax: +298 313981 – E-mail: [mk@vb.fo](mailto:mk@vb.fo)

Mads Trolle Nedergaard, Fiskerilicensinspektor, Head of Unit, Gronlands Fiskerilicenskontrol, Postbox 501, DK-3900 Nuuk, Greenland

Phone: +299 345377 – Fax: +299 323235 – E-mail: [mads@gh.gl](mailto:mads@gh.gl)

Arni Olafsson, Counsellor, Udenrigsministeriet, Asiatisk Plads 2, DK-1448 Copenhagen K, Denmark

Phone: +45 33 92 04 87 – Fax: +45 33 920170 – E-mail: [arnola@um.dk](mailto:arnola@um.dk)

Rogvi Reinert, Adviser, Ministry of Fisheries and Maritime Affairs, Heykavegur 6, P. O. Box 347, FO-110 Torshavn

Phone: +298 353 030 – Fax: +298 353 037 – E-mail: [rogvir@fisk.fo](mailto:rogvir@fisk.fo)

Frederik Schmidt, Head of Section, Department of Fisheries and Hunting, Greenland Home Rule, P. O. Box 269, DK -3900, Nuuk, Greenland

Phone: +299 345329 – Fax: +299 324704 – E-mail: [frsc@gh.gl](mailto:frsc@gh.gl)

## EUROPEAN UNION

### Head of Delegation

J. Spencer, Head of Unit, International and Regional Arrangements, European Commission, Fisheries Directorate General, 200 Rue de la Loi/Wetstraat, B-1049 Brussels, Belgium

Phone: +32 2 295 6858 – Fax: +32 2 295 5700 – E-mail: [edward-john.spencer@cec.eu.int](mailto:edward-john.spencer@cec.eu.int)

### Advisers

(EU Commission)

Staffan Ekwall, Principal Administrator, European Commission, DG FISH, External Policy and Markets, International and Regional Arrangements, Rue de la Loi/Wetstraat 200, B-1049 Brussels, Belgium

Phone: +32 2 299 6907 – Fax: +32 2 295 5700 – E-mail: [staffan.ekwall@cec.eu.int](mailto:staffan.ekwall@cec.eu.int)

Martin Newman, Principal Administrator, European Commission, DG FISH, Rue de la Loi/Wetstraat 200, B-1049 Brussels, Belgium

Phone: +32 2 295 7449 – Fax: +32 2 296 2338 – E-mail: [martin.newman@cec.eu.int](mailto:martin.newman@cec.eu.int)

Susana Junquera, European Commission, Joseph II 99, B-1040 Brussels, Belgium

Phone: +32 2 298 4727 – Fax: +32 2 295 5700 – E-mail: [susana.junquera@cec.eu.int](mailto:susana.junquera@cec.eu.int)

Jose Mesquita, European Commission, DG FISH, Rue de la Loi/Wetstraat 200, B-1049 Brussels, Belgium

Phone: +32 2 296 0706 – Fax: +32 2 296 2338 – E-mail: [jose.mesquita@cec.eu.int](mailto:jose.mesquita@cec.eu.int)

Fergal Nolan, European Commission, DG FISH, Rue de la Loi/Wetstraat 200, B-1049 Brussels, Belgium

Phone: +32 2 299 6923 – Fax: +32 2 – E-mail: [fergal.nolan@cec.eu.int](mailto:fergal.nolan@cec.eu.int)

Vicente Pons Mateau, Council Secretariat of the European Union, Rue de la Loi 175, 4040GH37, B-1048 Brussels, Belgium

Phone: +32 2 285 7217 – Fax: +32 2 285 6910 – E-mail: [vicente.pons@consilium.eu.int](mailto:vicente.pons@consilium.eu.int)

Fred Kingston, Senior Adviser, Economic and Commercial Affairs, Delegation of the European Commission in Canada, 45 O'Connor Street, Suite 1900, Ottawa, Ontario, Canada K1P 1A4

Phone: +613 238 6464 – Fax: +613 238 5191 – E-mail: [fred.kingston@delcan.cec.eu.int](mailto:fred.kingston@delcan.cec.eu.int)

(EU Council)

Mariano Abad Menendez, Principal Administrator, Council of the European Union, General Secretariat, DG-BIII -Fisheries, Rue de la Loi 175, B-1048 Brussels, Belgium

Phone: +32 2 285 5093 – Fax: 32 2 285 6910 – E-mail: [mariano.abad@consilium.eu.int](mailto:mariano.abad@consilium.eu.int)

(EU – United Kingdom)

Mike Rimmer, Sea Fisheries Conservation Div., Dept. For Environment, Food and Rural Affairs, Area A 6th Floor, Whitehall Place, London SW1A 2HH

Phone: +44 (0)20 7270 8308 – Fax: +44 (0)207270 8309 – E-mail: [mike.rimmer@defra.gsi.gov.uk](mailto:mike.rimmer@defra.gsi.gov.uk)

(EU Parliament)

Jesus Manuel Pardo, Commission de la Pêche, Parlement Européen, Direction Générale des Commissions et Délégations, B-1047 Brussels

Phone: +32 2 284 3675 – Fax: +32 2 284 4909 – E-mail: [jpardolopez@europarl.eu.int](mailto:jpardolopez@europarl.eu.int)

(EU – Estonia)

Els Ulman-Kuuskman, Leading Inspector, Estonian Environmental Inspectorate, Kopli 76, Tallinn 10416

Phone: +372 696 2218 – Fax: +372 696 2237 – E-mail: [els.ulman@kki.ee](mailto:els.ulman@kki.ee)

Kaire Martin, Fishery Resources Dept., Ministry of the Environment, Narva mnt 7a, 15172 Tallinn

Phone: +372 626 0718 – Fax: +372 626 0710 – E-mail: [kaire.martin.@ekm.envir.ee](mailto:kaire.martin.@ekm.envir.ee)

Rajar Miller, Lextal Law Firm, Jõe 5, 10151 Tallinn

Phone: +372 611 6080 – Fax: +372 611 6081 – E-mail: [rajar.miller@lextal.ee](mailto:rajar.miller@lextal.ee)

Mare Ojarand, Ministry of the Environment, Narva mnt 7a, 15172 Tallinn

Phone: +372 626 0715 – Fax: +372 626 0710 – E-mail: [mare.ojarand@envir.ee](mailto:mare.ojarand@envir.ee)

Tarvo Roose, Deputy Director General, Estonian Environmental Inspectorate, Kopli 76, 10416 Tallinn

Phone: +372 6962233 – Fax: +372 6962237, E-mail: [tarvo.roose@kki.ee](mailto:tarvo.roose@kki.ee)

Väino Ruul, High Sea Fisheries Director, AS Hiiu Kalur, Vaike-Posti 11, 80011 Pärnu

Phone: +372 447 1317 – Fax: +372 447 1316 – E-mail: [vainoruul@hotmail.ee](mailto:vainoruul@hotmail.ee)

Toomas Saat, Director, Estonian Marine Institute, 10A Maealuse Str. 12618, Tallinn

Phone: +372 6718 901 – Fax: +372 6718 900 – E-mail: [tsaat@sea.ee](mailto:tsaat@sea.ee)

Tarmo Sild, Attorney-at-Law, Lextal Law Firm, Jõe 5, 10151 Tallinn

Phone: +372 611 6080 – Fax: +372 611 6081 – E-mail: [tarmo.sild@lextal.ee](mailto:tarmo.sild@lextal.ee)

Silver Sirp, Head of Observers Working Group, Estonian Marine Institute, University of Tartu, 10A Maealuse St., 12618, Tallinn

Phone: +372 529 5396 – E-mail: [silver.sirp@ut.ee](mailto:silver.sirp@ut.ee)

Arne Sona, Manager, Reyktal AS, Veerenni 39, 10138 Tallinn

Phone: +372 6276 552 – Fax: +372 6276 555 – E-mail: [reyktal@trenet.ee](mailto:reyktal@trenet.ee)

Ain Soome, Director General, Fishery Resources Dept., Ministry of the Environment, Narva mnt 7a, 15172 Tallinn

Phone: +372 626 0711 – Fax: +372 626 0710 – E-mail: [ain.soome@ekm.envir.ee](mailto:ain.soome@ekm.envir.ee)

Toomas Tamme, Attorney-at-Law, Alvin Law Office, Roosikrantsi 2, 10119 Tallinn

Phone: +372 6110810 – Fax: +372 6110811 – E-mail: [toomas@alvinab.ee](mailto:toomas@alvinab.ee)

Herki Tuus, Ministry of Agriculture, Lai 39/41, 15056 Tallinn 15056

Phone : +372 625 6101 – E-mail : [herki.tuus@agri.ee](mailto:herki.tuus@agri.ee)

Kristina Uibopuu, Ministry of Agriculture, Lai 39/41, 15056 Tallinn 15056

Phone : +372 625 6284 – Fax : +372 625 6500 – E-mail : [kristina.uibopuu@agri.ee](mailto:kristina.uibopuu@agri.ee)

Indrek Ulla, Head of Environmental Dept., Estonian Environmental Inspectorate, Kopli 76, Tallinn 10416

Phone: +372 696 2244 – Fax +372 696 2237 – E-mail: [indrek.ulla@kki.ee](mailto:indrek.ulla@kki.ee)

Lauri Vaarja, Ministry of the Environment, Narva mnt 7a, 15172 Tallinn

Phone: +372 626 2895 – Fax: + 372 626 2801 – E-mail: [laurivaarja@hotmail.ee](mailto:laurivaarja@hotmail.ee)

Ottar Yngvason, Director, Reyktal AS, Veerenni 39, 10138 Tallinn

Phone: +372 6276 552 – Fax: +372 6276 555 – E-mail: [reyktral@trenet.ee](mailto:reyktral@trenet.ee)

(EU – Finland)

Jarmo Vilhunen, Maaja metsatalousministeriö-KRO, Valtioneuvosto, Helsinki

E-mail: [jarmo.vilhunen@mmm.fi](mailto:jarmo.vilhunen@mmm.fi)



Pirjo Tyrvaainen, EU Assistant, Ministry of Agriculture and Forestry, Dept. Of Fisheries and Game, Mariankatu 23, Helsinki

Phone: +358 9 1605 2646 – Fax: +358 9 1605 2640 – E-mail: [pirjo.tyrvaainen@mmm.fi](mailto:pirjo.tyrvaainen@mmm.fi)

(EU – France)

Christophe Lenormand, Direction des pêches maritimes et d l'aquaculture, Bureau de la ressource, de la réglementation et des affaires Internationales, Ministère de l'agriculture et de la pêche, 3, place de Fontenoy 75007 Paris

Phone: +33 1 49 55 82 38 – Fax: +33 1 49 55 82 00 – E-mail: [christophe.lenormand@agriculture.gouv.fr](mailto:christophe.lenormand@agriculture.gouv.fr)

Jean-Dominique Le Garrec, Domestic/International Business Development, 5 Forbes Terrace, Pittsburgh, PA 15217

Phone: +412 521 4585 – Fax: +412 726 5893 – E-mail: [jd-legarrec@verizon.net](mailto:jd-legarrec@verizon.net)

(EU – Germany)

Hermann Pott, Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft, Rochusstr.1, 53123 Bonn

Phone: +49 228 529 4124 - Fax: +49 228 529 4410 – Email: [Hermann.Pott@bmvel.bund.de](mailto:Hermann.Pott@bmvel.bund.de)

Uwe Richter, Assistant der Geschäftsführung, Euro-Baltic Fischverarbeitings GmbH, Im Fahrhafen Sassnitz, 18546 Sassnitz-Neu Mukran

Phone: +49 383 9 263 3-439 – Fax: +49 383 9 263 3-406 – Email: [uwe.richter@eurobaltic.de](mailto:uwe.richter@eurobaltic.de)

Eckart Riediger, Geschäftsführer, Doggerbank Seefischerei GmbH, Gronlandstrabe 1, D-27572 Bremerhaven

Phone: +49 471 9 265 00 – Fax: +49 471 9 265 02 30 – E-mail: [e.riediger@doggerbank.de](mailto:e.riediger@doggerbank.de)

Manfred Stein, Institut für Seefischerei, Palmaille 9, D-22767, Hamburg

Phone: +49 40 389 05174 – Fax: +49 40 38905 263 – E-mail: [stein.ish@bfa-fisch.de](mailto:stein.ish@bfa-fisch.de)

(EU – Latvia)

Normunds Riekstins, Director, National Board of Fisheries, Ministry of Agriculture, 2, Republikas laukums, LV-1010 Riga

Phone: +371 732 3877 – Fax: +371 733 4892 – E-mail: [fish@latnet.lv](mailto:fish@latnet.lv)

Miks Veinbergs, Deputy Head of Operative Division, Latvian Marine and Inland Waters Administration, Voleru 2, Riga LV-1007

Phone: +371 838 2287 – E-mail: [miks.veinbergs@ziup.gov.lv](mailto:miks.veinbergs@ziup.gov.lv)

Dmitrijs Kalinovs, Director, Burinieki Ltd., Brivibas gatve 215<sup>a</sup> – 46, Riga 1039

Phone: +371 754 2471 – Fax: +371 755 2593 – E-mail: [skaga@latnet.lv](mailto:skaga@latnet.lv)

Alexandra Kozlovskis, Deputy Director, Latvian Fish Resources Agency, Daugavgrivas 8, Riga LV-1048

Phone: +371 761 8712 – Fax: +371 761 6946 – E-mail: [alexandra.kozlovskis@latzra.lv](mailto:alexandra.kozlovskis@latzra.lv)

(EU – Lithuania)

Aidas Adomaitis, Director, Fisheries Dept. under the Ministry of Agriculture, J. Lelevelio str. 6, LT-01103 Vilnius

Phone: +370 253 71174 – Fax: +370 253 71176 – E-mail: [aidasa@zum.lt](mailto:aidasa@zum.lt)

Algirdas Rusakevicius, Deputy Director, Fisheries Department under the Ministry of Agriculture, J. Lelevelio str. 6, LT-01103 Vilnius

Phone: +370 5 239 1183 – Fax: +370 5 239 1176 – E-mail: [algirdasr@zum.lt](mailto:algirdasr@zum.lt)

Genadijus Babcionis, Chief Specialist, European Community and International Affairs Division, Fisheries Dept. under the Ministry of Agriculture, J. Lelevelio str. 6, LT-01103 Vilnius

Phone: +370 5 239 1180 – Fax: +370 5 239 1176 – E-mail: [genadijusb@zum.lt](mailto:genadijusb@zum.lt)

Bernadas Satkovskis, Councillor of the Minister, Ministry of Agriculture, Gedimino ave. 19, LT-01103 Vilnius

Phone: +370 620 41279 – Fax: +370 5 261 6458 – E-mail: [bernardas@zum.lt](mailto:bernardas@zum.lt)

Alejandro Alvarez Rivas, c/Animas 5, 30, 36208 Vigo, Spain

Phone: +34 636 481 100 – Fax: +34 986 209 505 – E-mail: [albri@albri.com](mailto:albri@albri.com)

Einar Gudbjornsson, Owner, JSC “Norgertus”, Nemuno 139, LT 93262 Klaipeda

Phone: +370 46 340043 – Fax: +370 46 340043 – E-mail: [norgertus@norgertus.w3.lt](mailto:norgertus@norgertus.w3.lt) ; [enar@sea.is](mailto:enar@sea.is)

Valerijus Sarapovas, Direktorius, JSC “Norgertus”, Nemuno 139, LT 93262 Klaipeda

Phone: +370 46 365 592 – Fax: +370 46 340 043 – E-mail: [norgertus@norgertus.w3.lt](mailto:norgertus@norgertus.w3.lt)

Romas Statkus, Fishery Research Lab., P. O. Box 108, LT-91001 Klaipeda

Phone: +370 4639 1122 – Fax: +370 4639 1104 – E-mail: [statrom@gmail.com](mailto:statrom@gmail.com)

Virginija Staskiene, Director of Finances, JSC ‘NORGERTUS’, Nemuno str. 139, LT 93262 Klaipeda

Phone: +370 46 34 00 43 – Fax: +370 68752242 – E-mail: [norgertus@norgertus.w3.lt](mailto:norgertus@norgertus.w3.lt)

Saulius Staskus, JSC "NORGERTUS", Nemuno 139, Klaipeda

Phone: +370 46 34 00 43 – Fax: +370 46 340043 – E-mail: [norgertus@norgertus.w3.lt](mailto:norgertus@norgertus.w3.lt)

Rasuole Jusiute, Administrator, “MARESTANA”, M. Gimbutienes str. 35, 52337 Kaunas

Phone: +370 370656 – Fax: +370 370664 – E-mail: [nmarestana@ijo.net](mailto:nmarestana@ijo.net)

(EU – Poland)

Leszek Dybiec, Deputy Director, Ministry of Agriculture and Rural Development, Fisheries Department, 30 Wspolna Street, 00-930 Warsaw

Phone: +48 22 628 9684 – Fax: +48 22 623 2204 – E-mail: [leszek.dybiec@minrol.gov.pl](mailto:leszek.dybiec@minrol.gov.pl)

Jerzy Janusz, Dept. of Biology and Fish Resources Conservation, 1, Kottataja str., 81-332 Gdynia

Phone: +48 58 620 1728 ext. 214 – Fax: +48 58 620 2831 – E-mail: [jjanusz@mir.gdynia.pl](mailto:jjanusz@mir.gdynia.pl)

Boguslaw Szemioth, North Atlantic Producers Organization, ul. Parkowa 13/17/123, 00-759 Warsaw

Phone: +48 22 840 8920 – Fax: +48 22 840 8922 – E-mail: [szemioth@paop.org.pl](mailto:szemioth@paop.org.pl)

Jaroslaw Zielinski, North Atlantic Producers Organization, ul. Parkowa 13/17/123, 00-759 Warsaw

Phone: +48 22 840 8920 – Fax: +48 22 840 8922 – E-mail: [jarek@paop.org.pl](mailto:jarek@paop.org.pl)

(EU – Portugal)

Eurico Monteiro, Director-General, Direccao-Geral das Pescas e Aquicultura, Avenida da Brasilia, 1449-030 Lisbon

Phone: +351 21 303 5887 – Fax: +351 21 303 5965 – E-mail: [euricom@dgpa.min-agricultura.pt](mailto:euricom@dgpa.min-agricultura.pt)

Emilia Batista, Directora de Servicos, Departamento dos Recursos, Direccao Geral das Pescas e Aquicultura, Avenida da Brasilia, 1449-030 Lisbon

Phone: +351 213 035 850 Fax: +351 213 035 922 E-mail: [ebatista@dgpa.min-agriculture.pt](mailto:ebatista@dgpa.min-agriculture.pt)

Ricardo Alpoim, Instituto Nacional de Investigacao Agrária e das Pescas (INIAP/IPIMAR), Av. de Brasilia, 1449 -006 Lisbon

Phone: +351 21 302 7000 – Fax: +351 21 301 5948 – E-mail: [ralpoim@ipimar.pt](mailto:ralpoim@ipimar.pt)

Jose Taveira da Mota, Lisbon, Portugal

Phone: +351 234 397 530 – Fax: +351 234 364 090

Pedro Franca, Presidente, A.D.A.P.I. – Associacao Armadores das Pescas Industriais, Docapesca, Edificio da Gama, Bloco-C, Piso 1, Rua General Gomes d'Araujo, Alcantara-Mar, 1399-005 Lisbon

Phone: +351 21397 2094 – Fax: +351 213972090 – E-mail: [adapi.pescas@mail.telepac.pt](mailto:adapi.pescas@mail.telepac.pt)

Anibal Machado Paiao, Director, A.D.A.P.I.-Associacao dos Armadores das Pescas Industriais, Docapesca, Edificio da Gama, Bloco-C, Piso 1, Rua General Gomes d'Araujo, Alcantara-Mar, 1399-005 Lisbon

Phone: +351 21397 2094 – Fax: +351 213972090 – E-mail: [adapi.pescas@mail.telepac.pt](mailto:adapi.pescas@mail.telepac.pt)

(EU – Spain)

Fernando Curcio Ruigomez, Director General de Recursos Pesqueros, Secretariat General de Pesca Maritima, Jose Ortega y Gasset, 57, 28006 Madrid

Phone: +34 91 347 6030 – Fax: +34 91 347 6032 – E-mail: [fcurcior@mapya.es](mailto:fcurcior@mapya.es)

Rafael Centenera, Secretaria General de Pesca Maritima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain

Phone: +34 91 347 6040 – Fax: +34 91 347 60 42 – E-mail: [rcentera@mapya.es](mailto:rcentera@mapya.es)

Margarita Mancebo, Jefe de Area, Subdireccion General de Relaciones Pesqueras Internacionales, Direccion General de Recursos Pesqueros, Jose Ortega y Gasset, 57, 28006 Madrid, Spain

Phone: +34 91 347 61 29 – Fax: +34 91 347 60 42 – E-mail: [cmancebo@mapya.es](mailto:cmancebo@mapya.es)

Monica Martinez Castaneda, Subdireccion General de Relaciones Pesqueras Internacionales, Secretaria General de Pesca Maritima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain

Phone: +34 91 347 61-- – Fax: +34 91 347 60 42 – E-mail: [mmcastaneda@mapya.es](mailto:mmcastaneda@mapya.es)

Samuel J. Juarez, Counselor for Agriculture, Fisheries and Food, Embassy of Spain, 2375 Pennsylvania Ave., N.W., Washington, D.C. 20037

Phone: +202 728 2339 – Fax: +202 728 2320 – E-mail: [mapausa@speakeasy.net](mailto:mapausa@speakeasy.net)

Manuel Cabirta Garrido, Director General de Estructuras y Mercados de la Pesca, Conselleria de Pesca e Asuntos Maritimos, Rua do Sar, 75, Santiago de Compostela 15702, Spain

Phone: + 34 981 546347 - Fax: +34 981 546288

Javier Del Hierro, Subdirección General de Inspeccion Pesquera, Secretaria General de Pesca Maritima, c/Castellana 112, 5ª Plto, 28071 Madrid, Spain

Phone: +3491 3471645 – Fax: + 3491 3471512 E-mail: [jdellhier@mapya.es](mailto:jdellhier@mapya.es)

Juan Perez Pazo, Delegacion Territorial de Pesca, c/Concepcion arenal, 8, 36202 Vigo

Phone: +34 9868 17125 – Fax: +34 9868 17102 – E-mail: [xoan.perez.pazo@xunta.es](mailto:xoan.perez.pazo@xunta.es)

Enrique De Cardenas, Secretaria General de Pesca Maritima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain

Phone: +34 91 347 6110 – Fax: +34 91 347 6037 – E-mail: [edecarde@mapya.es](mailto:edecarde@mapya.es)

Fernando Gonzalez-Costas, Instituto Español de Oceanografía, Aptdo 1552, E-36280 Vigo (Pontevedra)

Phone: +34 9 86 49 2111 – Fax: +34 9 86 49 2351 – E-mail: [fernando.gonzalez@vi.ieo.es](mailto:fernando.gonzalez@vi.ieo.es)

Hilario Murua, Fish, Resour. – AZTI Foundation, Herrera Kaia, Portualde z/g, 20110 Pasaia, Basque Country

Phone: +34 9 43 00 48 00 – Fax: +34 9 43 00 48 01 – E-mail: [hmurua@pas.azti.es](mailto:hmurua@pas.azti.es)

Antonio Vazquez, Instituto de Investigaciones Marinas, Eduardo Cabello 6, 36208 Vigo

Phone: +34 9 86 23 1930 – Fax: +34 9 86 29 2762 – E-mail: [avazquez@iim.csic.es](mailto:avazquez@iim.csic.es)

Jose Manuel Gomez Alvarez, Director General/Managing Director, Fandino, Avenida Garcia Barbon 62, Bloque 1 – Oficina entreplanta, 36201 Vigo, Spain

Phone: +34 986 447 384 – Fax: +34 986 438 106 – E-mail: [jmgomez@fandino.info](mailto:jmgomez@fandino.info)

Jose Fuertes Gamundi, Director Gerente, ANAMER-ANAVAR-AGARBA, Puerto Pesquero, Apartado 1.078, 36200 Vigo, Spain

Phone: +34 986 433844 – Fax: +34 986 439218 – E-mail: [direccion@arvi.org](mailto:direccion@arvi.org)

Juan Manuel Liria, Presidente, Asociación Nacional de Armadores de Buques Congeladores de Pesca de Merluza, Puerto Pesquero, Apartado 1.078, 36200 Vigo

Phone: +34 986 43 38 44 – Fax: +34 986 439218 – E-mail: [direccion@arvi.org](mailto:direccion@arvi.org)

José Luis Meseguer, Secretario General, ARBAC – Asociación de empresas de pesca de bacalao, especies afines y asociadas, Enrique Larreta, 10-3º, 28036 Madrid, Spain

Phone: +34 913 151965 – Fax: +34 913 152673

Eloy Carramal, Director Financiero, Grupo Oya Perez, Calle San Francisco 57-1º y 2º, 36202 Vigo, Galicia, Spain

Juan Manuel Oya Perez, Shipowner, Heroya, Calle San Francisco 57-1º, 36202 Vigo, Galicia, Spain

Phone: +34 986 447 484 – Fax: +986 439 229 – E-mail: [info@oyaperez.es](mailto:info@oyaperez.es)

Guadalupe Iglesias del Campo, Grupo Oya Perez S.L., Calle San Francisco 57-1º y 2º, 36202 Vigo, Galicia, Spain

Phone: +34 986 447 484 – Fax: +34 986 439 229 – E-mail: [maria@oya.perez.es](mailto:maria@oya.perez.es)

Alberto Oya, Grupo Oya Perez S.L., Calle San Francisco 57-1º y 2º, 36202 Vigo, Galicia, Spain

Phone: +34 986 447 484 – Fax: +34 986 439 229 – E-mail: [a.oyc.1999@yahoo.es](mailto:a.oyc.1999@yahoo.es)

## FRANCE (in respect of St. Pierre et Miquelon)

### Head of Delegation

Paul Jaccachury, 1<sup>er</sup> Vice-Président du Conseil General, Place Monseigneur Maurer, BP 4208, 97500 Saint-Pierre et Miquelon

Phone: +508 41 01 02 – Fax: +508 41 22 97 – E-mail: [cgsmpm@wanadoo.fr](mailto:cgsmpm@wanadoo.fr) – [pjacca@cheznoo.net](mailto:pjacca@cheznoo.net)

### Advisers

Thierry Baslé, Development Manager, Development Agency, SODEPAR, Rue Borda, Palais Royal, BP 4365, 97500 Saint-Pierre et Miquelon

Phone: +508 41 15 15 – Fax: +508 41 15 16 – E-mail: [thierry.basle@cheznoo.net](mailto:thierry.basle@cheznoo.net)

Patrick Brenner, Ministère de L'Outre-Mer, Head of International Affairs Div., 27, rue Oudinot, 75358 Paris

Phone: +53 69 26 32 – Fax: +53 69 21 97 – E-mail: [patrick.brenner@outre-mer.gouv.fr](mailto:patrick.brenner@outre-mer.gouv.fr)

Bruno Detcheverry, Directeur General, Interpeche S.A., Société des Pêches de Archipel, Quai du Môle Frigorifique, B.P.4249, 97500 Saint-Pierre et Miquelon

Phone: +508 41 39 91 – Fax: +508 41 38 38 / 41 99 47 – E-mail: [interpeche@wanadoo.fr](mailto:interpeche@wanadoo.fr)

Jean-Marc Guyau, Administrateur principal des affaires maritimes, Chef du service, 1, rue Gloanec, B.P. 4206, 97500 Saint-Pierre-et-Miquelon

Phone: +508 41 15 30 – Fax: +508 41 48 34 – E-mail: [j-marc.guyau@equipement.gouv.fr](mailto:j-marc.guyau@equipement.gouv.fr)

Daniel Silvestre, Administrateur civil, Chargé de mission, Secrétariat General de la mer, 16, Boulevard Raspail, 75007 Paris

Phone: +53 63 41 53 – Fax: +53 63 41 78 – E-mail: [daniel.silvestre@sgmer.pm.gouv.fr](mailto:daniel.silvestre@sgmer.pm.gouv.fr)

## ICELAND

### Head of Delegation

Gudridur Margrét Kristjánsdóttir, Legal Adviser, Ministry of Fisheries, Skulagata 4, 150 Reyjavik

Phone: +354 545 8370 – Fax: +354 562 1853 – E-mail: [gudridur.kristjansdottir@sjr.stjr.is](mailto:gudridur.kristjansdottir@sjr.stjr.is)

**Advisers**

Gylfi Geirsson, Commander, Icelandic Coast Guard, Seljavegur 32, P. O. Box 7120, 101 Reykjavik  
 Phone: +354 545 2000 ext. 2071 – Fax: +354 545 2040 – E-mail: [gylfi@lhg.is](mailto:gylfi@lhg.is)  
 Hjortur Gislason, OGURVIK, Fishing Export Co. Ltd., Tysgata 1, IS-101 Reykjavik  
 Phone: +354 554 5266 – Fax: +354 552 8863 – E-mail: [hjortur@ogurvik.is](mailto:hjortur@ogurvik.is)  
 Kristjan Freyr Helgason, Quota Allocations, Icelandic Directorate of Fisheries, Ingolfsstraeti 1, 101 Reykjavik  
 Phone: +354 569 7900 – Fax: +354 569 7990 – E-mail: [kristjan@fiskistofa.is](mailto:kristjan@fiskistofa.is)  
 Steinar Ingi Matthiasson, Adviser, Ministry of Fisheries, Skulagata 4, 150 Reykjavik  
 Phone: +354 545 8300 – Fax: +354 562 1853 – E-mail: [steinar.i.matthiasson@sjr.stjr.is](mailto:steinar.i.matthiasson@sjr.stjr.is)  
 Unnur Skúladóttir, Marine Research Institute, Skúlagata 4, Pósthólf Box 1390, 121 Reykjavik  
 Phone: +354 552 0240 – Fax: +354 575 2001 – E-mail: [unnur@hafro.is](mailto:unnur@hafro.is)  
 Hoskuldur Steinarsson, Head of Department, Information, Icelandic Directorate of Fisheries, Ingolfsstræti 1, 101 Reykjavik  
 Phone: +354 569 7900 – Fax: +354 569 7990 – E-mail: [hostein@fiskistofa.is](mailto:hostein@fiskistofa.is)

**JAPAN****Head of Delegation**

Miwako Takase, Deputy Director, International Affairs Div., Fisheries Agency, Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8907  
 Phone: +81 3 3591 1086 – Fax: +81 3 3502 0571- E-mail: [miwako\\_takase@nm.maff.go.jp](mailto:miwako_takase@nm.maff.go.jp)

**Advisers**

Noriaki Takagi, Director, Executive Secretary, Japan Deep Sea Trawlers Association, NK-Bldg., 6F Kanda Ogawa-cho, Chiyoda-ku, Tokyo 101-0052  
 Phone: +81 3 3291 8508 – Fax: + 81 3 3233 3267 – E-mail: [ntakagi@jdsta.or.jp](mailto:ntakagi@jdsta.or.jp)  
 Hiroki Tokunaga, Assistant Director, Fishery Division, Economic Bureau, Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo  
 Phone: +81 3 5501 8000 ext. 2861 – Fax: + 81 3 5501 8332 – E-mail: [hiroki.tokunaga@mofa.go.jp](mailto:hiroki.tokunaga@mofa.go.jp)  
 Keiko Tsuyama, Far Seas Fisheries Div., Resources Management Dept., Fishery Agency, Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8907  
 Phone: +81 3 3502 8111 (Ext. 7238); Fax: +81 3 3591 5824 – E-mail: [keiko\\_tsuyama@nm.maff.go.jp](mailto:keiko_tsuyama@nm.maff.go.jp)

**REPUBLIC OF KOREA****Head of Delegation**

Chiguk Ahn, Deputy Director, International Cooperation Div., Ministry of Maritime Affairs and Fisheries, 140-2 Gye-Dong Jongno-Gu, Seoul 110-793  
 Phone: +82 2 3674 6994-5 – Fax: +82 2 3674 6996 – E-mail: [chiguka62@yahoo.com](mailto:chiguka62@yahoo.com)

**Advisers**

Jong Kwan Ahn, Distant Water Fishery Officer, Ministry of Maritime Affairs and Fisheries, 140-2 Gye-Dong Jongno-Gu, Seoul 110-793  
 Phone: +82 2 3674 6982 – Fax: +82 2 3674 6985 – E-mail: [ahnjk@momaf.go.kr](mailto:ahnjk@momaf.go.kr)  
 Seok-Gwan Choi, Distant Water Fisheries Resources, National Fisheries Research and Development Institute, 408-1 Shirang-ri, Gijang-up, Gijang-gun, Busan 619-902  
 Phone: +82 51 720 2334 – Fax: +82 51 720 2337 – E-mail: [sgchoi@nfrdi.re.kr](mailto:sgchoi@nfrdi.re.kr)  
 Jeong Do Kim, Fisher Dept./Department Manager, Insung Corporation, Insung Bld., 113-2 Hannam-Dong, Yongsan-Gu, Seoul 140-210  
 Phone: +82 2 749 0291 – Fax: +82 2 749 4949 – E-mail: [hana@insungnet.co.kr](mailto:hana@insungnet.co.kr)  
 Kyu Jin Seok, International Cooperation Office, Ministry of Maritime Affairs and Fisheries, 140-2 Gye-Dong Jongno-Gu, Seoul 110-793  
 Phone: +82 2 3674 6994 – Fax: +82 2 3674 6996 – E-mail: [icdmomaf@chol.com](mailto:icdmomaf@chol.com)

## NORWAY

### Head of Delegation

Terje Lobach, Senior Legal Adviser, Directorate of Fisheries, P. O. Box 2009 Nordnes, NO-5817 Bergen  
Phone: +47 55 23 80 00 / 8139 Fax: +47 55 23 80 90 E-mail: [terje.lobach@fiskeridir.no](mailto:terje.lobach@fiskeridir.no)

### Alternate

Stein-Age Johnsen, Senior Legal Adviser, Resource Management Dept., Directorate of Fisheries, P. O. Box 2009 Nordnes, NO-5817 Bergen  
Phone: +47 55 23 80 00 / 8124 – Fax: +47 55 23 80 90 – E-mail: [stein-age.johnsen@fiskeridir.no](mailto:stein-age.johnsen@fiskeridir.no)

### Advisers

Webjørn Barstad, Head of Department, Norwegian Fishing Vessel Owners Association, P.O. Box 67 Sentrum, 6001 Aalesund  
Phone: +47 70 10 14 60 – Fax: +47 70 10 14 80 – E-mail: [webjorn@fiskebat.no](mailto:webjorn@fiskebat.no)  
Jan-Pieter Groenhof, Adviser, Norwegian Ministry of Fisheries, Dept. of Marine Resources and Environment, P. O. Box 8118 Dep., NO-0032 Oslo  
Phone: +47 22 24 64 44 – Fax: +47 22 24 95 85 – E-mail: [jan-pieter.groenhof@fkd.dep.no](mailto:jan-pieter.groenhof@fkd.dep.no)  
Anniken Ramberg Krutnes, Assistant Director General, Section for Energy and Marine Resources, Norwegian Ministry of Fisheries, P. O. Box 8114 Dep., NO-0032 Oslo  
Phone: +47 22 24 36 10 – Fax: +47 22 24 27 84 – E-mail: [ark.@mfa.no](mailto:ark.@mfa.no)

## RUSSIA

### Head of Delegation

Anas Nurutdinov, Dept. of Fisheries Policy, Ministry of Agriculture of the Russian Federation, Orlikov per., 1/11, 107139 Moscow  
Phone: +7 095 975 1298 - Fax: +7095 975 5740 – E-mail: [info@drp.mcx.ru](mailto:info@drp.mcx.ru)

### Representative

Anas Nurutdinov (see address above)

### Advisers

Vadim Agalakov, Murmansk Dept. of Rosselknoznadzor, Skaboline 45, 183038 Murmansk  
Phone: +7 8152 286770 – Fax: +7 815 228 6373 – E-mail:  
Vladimir K. Babayan, Head, Laboratory for Systems Analysis of Fishery Resources, Russian Federal Research Institute of Fisheries and Oceanography, 17, V. Krasnoselskaya, Moscow 107140  
Phone/Fax: +7095 264 6983 – [ybabayan@vniro.ru](mailto:ybabayan@vniro.ru)  
Konstantin Gorchinsky, Senior Scientist, Knipovich Polar Research Institute of Marine Fisheries and Oceanography (PINRO), 6 Knipovich St., Murmansk  
Phone: + 7 8152 450568 – Fax: + 7 8152 473331 – E-mail: [gorch@pinro.ru](mailto:gorch@pinro.ru)  
Leonid Kokovkin, Representative of the Russian Federation in Canada on Fisheries, 47 Oceanview Drive, Bedford, Nova Scotia Canada B4A 4C4  
Phone: +902 832 9225 – Fax: +902 832 9608 – E-mail: [rusfish@ns.sympatico.ca](mailto:rusfish@ns.sympatico.ca)  
Oxana Gladysheva, “Rosselknoznadzor”, Kaliningrad, Russia  
Phone: 7 0112 955 473 – Fax: +7 0112 2179 20  
Alexander Okhanov, Head of Department, Aquatic Bioresources and Fisheries Management, Federal Agency for Fisheries, Rozhdestvensky blvd. 12, Moscow 107996  
Phone/Fax: +7095 928 7644 – E-mail: [okhanovaa@fishcom.ru](mailto:okhanovaa@fishcom.ru)

Vladimir Shibanov, Research Director, Knipovich Polar Research Institute of Marine Fisheries and Oceanography (PINRO), 6 Knipovich St., Murmansk 183763

Phone: +7 8152 472614 – Fax: +7 8152 473331 – E-mail: [shibanov@pinro.ru](mailto:shibanov@pinro.ru)

Ekaterina Volkovinskaia, Interpreter, Polar Research Institute of Marine Fisheries and Oceanography (PINRO), 6 Knipovich St., Murmansk 183763

Phone: +7 8152 473461 – Fax: +7 8152 473331 – E-mail: [katerina@pinro.ru](mailto:katerina@pinro.ru) / [inter@pinro.ru](mailto:inter@pinro.ru)

Victor Volkov, DSUE, “Murmansk Regional Center of the Branch Monitoring System”, 43, Tralovaia av., 183950 Murmansk

Phone: +7 8152 474641 – Fax: +7 8152 474852 – E-mail: [volkov@mrcm.ru](mailto:volkov@mrcm.ru)

Alexandr Zhukov, Chief of Department of Conventional Fishery, 15, Kirova str., 236000 Kaliningrad

Phone: +7 0112 55 5311 – Fax: +7 0112 555513 – E-mail: [zapad@zbrv.baltnet.ru](mailto:zapad@zbrv.baltnet.ru)

## UKRAINE

### Head of Delegation

Vasyl Chernik, Deputy Chairman, State Department for Fisheries of Ukraine, 45A Artema str., Kyiv, 04053

Phone/Fax: +38 044 226 2405 – E-mail: [chvg46@users.ukrsat.com](mailto:chvg46@users.ukrsat.com)

### Advisers

Anatoliy Chernykov, General Director's Assistant, JSC “ANTARKTIKA”, 17 Ekaterininskaya St., Odessa 65026

Phone: +38 048 222 0057 – Fax: +38 048 249 6334 – E-mail: [kitconsult@ukr.net](mailto:kitconsult@ukr.net)

Sergey Rebik, Senior Scientific Collaborator, Southern Scientific Research Institute of Marine Fisheries and Oceanography (YugNIRO), 2 Sverdlov Str., Kerch 98300

Phone: +380 6561 21012 – Fax: +380 6561 61627 – E-mail: [island@crimea.com](mailto:island@crimea.com)

Petro Morozov, Executive Officer, State Department for Fisheries of Ukraine, 45A Artema str., Kyiv 04053

Phone/Fax: +38 044 482 0984 – E-mail: [nauka@i.kiev.ua](mailto:nauka@i.kiev.ua)

Yuliya Kobyllyanska, JSC “ANTARKTIKA”, 17 Ekaterininskaya str., Odessa, 65026

Phone: +380 48 222 3973 – Fax: +380 48 249 6334 – E-mail: [kitconsult@ukr.net](mailto:kitconsult@ukr.net)

Valentyn Kobyllyanskyy, JSC “ANTARKTIKA”, 17 Ekaterininskaya str., Odessa, 65026

Phone: +380 48 222 3973 – Fax: +380 48 249 6334 – E-mail: [kitconsult@ukr.net](mailto:kitconsult@ukr.net)

## UNITED STATES OF AMERICA

### Head of Delegation

John Dunnigan, Director, Office of Sustainable Fisheries, U.S. Dept. of Commerce, NOAA, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910

Phone: +301 713 2334 – Fax: +301 713 0596 – E-mail: [jack.dunnigan@noaa.gov](mailto:jack.dunnigan@noaa.gov)

### Representative

John Dunnigan (see above)

### Advisers

Sonja Fordham, International Fish Conservation Program Manager, The Ocean Conservancy, 2029 K Street, NW, Washington, D.C. 20006

Phone: +202 429 5609 – Fax: +202 872 0619 – E-mail: [sfordham@oceanconservancy.org](mailto:sfordham@oceanconservancy.org)

Nancy Jamison, Foreign Affairs Officer, Office of Marine Conservation, U.S. Department of State, 2201 C Street NW, Washington, D.C. 20520

Phone +1 202 647 3464 – Fax: +1 202 736 7350 – E-mail: [jamisonne@state.gov](mailto:jamisonne@state.gov)

Pat Moran, Foreign Affairs Specialist, International Fisheries Div., F/SF4, National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Hwy., Silver Spring, MD 20910

Phone: +301 713 2276 – Fax: +301 713 2313 – E-mail: [pat.moran@noaa.gov](mailto:pat.moran@noaa.gov)

Bill Quinby, Director, Mayflower Shipping Ltd., 655 Summer Street, Boston, MA 02210

Phone: +843 577 0560 – Fax: +843 577 6644 – E-mail: [mayflower@mindspring.com](mailto:mayflower@mindspring.com)

Fred Serchuk, Chief, Resource Evaluation and Assessment Division, Northeast Fisheries Science Center, NMFS, 166 Water St., Woods Hole, MA 02543-1097

Phone: +508 495 2245 – Fax: +508 495 2258 – E-mail: [fred.serchuk@noaa.gov](mailto:fred.serchuk@noaa.gov)

Dean Swanson, Chief, International Fisheries Div., F/SF4, National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Highway, Silver Spring, MD 20910

Phone: +301 713 2276 – Fax: +301 713 2313 – E-mail: [dean.swanson@noaa.gov](mailto:dean.swanson@noaa.gov)

## **OBSERVERS**

### **FAO**

Hiromoto Watanabe, Fishery Liaison Officer, International Institutions and Liaison Service, Fishery Policy and Planning Div., Fisheries Department, Food and Agriculture Organization of the United Nations (FAO), Viale delle Terme di Caracalla, 00100 Rome, Italy

Phone: +39 06 5705 5252 – Fax: +39 06 5705 6500 – E-mail: [hiromoto.watanabe@fao.org](mailto:hiromoto.watanabe@fao.org)

### **ICCAT**

Driss Meski, Executive Secretary, International Commission for the Conservation of Atlantic Tuna (ICCAT), c/Corazon de Maria, 8-7º, 28002 Madrid, Spain

Phone: +34 91 4165600 – Fax: +34 91 4152612 – E-mail: [driss.meski@iccat.es](mailto:driss.meski@iccat.es)

### **NAMMCO**

Gudridur Margrét Kristjánsdóttir, Legal Adviser, Ministry of Fisheries, Skulagata 4, 150 Reyjavik, Iceland

Phone: +354 545 8370 – Fax: +354 562 1853 – E-mail: [gudridur.kristjansdottir@sjr.stjr.is](mailto:gudridur.kristjansdottir@sjr.stjr.is)

## **SECRETARIAT**

Johanne Fischer, Executive Secretary

Forbes Keating, Administration Officer & Meeting Coordinator

Ricardo Federizon, Fisheries Commission Coordinator

Stan Goodick, Finance Officer

Bev McLoon, Personal Assistant to the Executive Secretary

Cindy Kerr, Fisheries Information Officer

Barb Marshall, Information Manager

Ferne Perry, Publications and Archives Officer

## Annex 2. Record of Decisions by the Fisheries Commission

Substantive Issues (Agenda item):	Decision/Action:
10. Ecosystem Approach to Fisheries Management	FC WP 05/11 (Rev. 3) <b>Adopted</b>
11 and 14. Report of STACTIC, April 2005 and Report of STACTIC September 2005	<p>STACTIC WP 05/8 (Revised) - Transshipments in NRA <b>Adopted</b></p> <p>STACTIC September 2005 Report accepted and all recommendations therein <b>Adopted</b></p> <p>Pilot Project on Observers, Satellite Tracking and Electronic Reporting extension through 2006. Iceland's reservation on the Observer Program noted (STACTIC report) <b>Adopted</b></p> <p>STACTIC WP 05/29 (Revised) – Designated Ports re landings of Greenland halibut <b>Adopted</b></p> <p>STACTIC WP 05/34 – Addition of Saint Pierre, France as rerouting port re Article 32 (Serious Infringements) <b>Adopted</b></p> <p>STACTIC WP 05/38 – Species identification <b>Adopted</b></p> <p>STACTIC WP 05/09 (Revision 2) – Data exchange and format protocols <b>Adopted</b></p> <p>STACTIC WP 05/41 (Revised) – Annual Compliance Review – 2004 <b>Accepted</b></p>
12. Review of Chartering Arrangement	Noted FC WP 05/02
13. UN Resolutions and Implications to NAFO	Noted Executive Secretary's presentation.
15. Summary of Scientific Advice by the Scientific Council	Noted Scientific Council Chair's report
16. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2006	
16.1 Redfish in Division 3M	The 2005 provisions for this stock will be continued in 2006 and 2007. By-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3 apply. TAC is 5 000 t.



16.2 Shrimp in Division 3M	The 2005 provisions are applied in 2006 and the reservation of Iceland is noted.
17. Possible expansion of PA Framework for other stocks	Encouraged the continuing work of the Scientific Council in determining reference points.
18. Management of Technical Measures for Fish Stocks Straddling National Fishing Limits, 2006	
18.1 Cod in Division 3NO and 2J3KL	<p>The 2005 provisions for Cod in 3NO will be continued in 2006 and 2007, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3</p> <p>Cod in 2J3KL – Revision of Article 4 of CEM deleting the date reference of 31 December 2005.</p>
18.2 Redfish in Division 3LN and Division 3O	<p>No directed fishery for Redfish in Divs. 3LN in 2006 and 2007.</p> <p>No action for Redfish in 3O. The three year TAC of 20 000 t adopted in 2004 will therefore remain unchanged in 2006 and 2007.</p>
18.3 American plaice in Division 3LNO	The 2005 provisions for this stock apply in 2006 and 2007, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3
18.4 Witch flounder in Division 2J3KL	The 2005 provisions for this stock apply in 2006 and 2007, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3
18.5 Yellowtail flounder in Division 3LNO (PA framework)	The 2005 provisions for this stock will be continued in 2006. By-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3 apply. TAC is 15 000 t.
18.6 White Hake in Division 3NO (3 year TAC)	No action taken. The three year TAC of 8 500 t adopted in 2004 will therefore remain unchanged in 2006 and 2007.
18.7 Capelin in Division 3NO	The 2005 provisions for this stock apply in 2006 and 2007, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3
18.8 Greenland halibut in Division 3LMNO (rebuilding plan)	No action taken. The TAC of 13 709 t for 2006 which had been adopted in the framework of the rebuilding plan will therefore remain unchanged.

18.9 Shrimp in Division 3LNO	TAC for 2006 increased to 22 000 t in Div. 3L. The allocation formula in 2006 will remain the same as in 2005. Reservations of Denmark (in respect of Faroe Islands and Greenland) on the allocation formula were noted.
18.10 Pelagic <i>Sebastes mentella</i> (oceanic redfish) in the NAFO Convention Area	TAC for 2006 is 20 378 t. Allocation formula same as in 2005. Footnote 10 was revised to read: "In case of the NEAFC decision which modifies the level of TAC for this stock in 2006 as compared to 2005, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote." Reservations of Russia on the TAC were noted.
18.11 Shark finning	FC WP 05/12 <b>Adopted</b>
19. Formulation of Request to the Scientific Council for scientific advice on the management of fish stocks in 2007	FC WP 05/18, FC WP 05/19, as well as the questions in SC WP 05/32. <b>Adopted.</b>
20. Election of Chair and Vice Chair	Mr. Vladimir Shibanov of Russia was elected as the Chair. Mr. Kolbeinn Arnason of Iceland was elected as Vice- Chair
21. Time and Place of Next Meeting	Deferred to the General Council
22. Other Business	GC W.P. 05/8 (Revision 2) – NAFO Reform <b>Adopted</b> FC WP 05/14 re 2005 quota transfer <b>Adopted</b>

### Annex 3. Agenda

1. Opening by the Chair, Dean Swanson (USA)
2. Appointment of Rapporteur
  - duties include maintaining record of agreed FC decisions at Annual Meeting
3. Adoption of Agenda
4. Admission of Observers
5. Publicity
6. Guidance to STACTIC necessary for them to complete their work (Monday)
7. Guidance to SC necessary for them to complete their work (Monday)
8. FC/GC/SC Joint Session (chaired by FC): Discussion of Ecosystem Approach to Fisheries Management (set for Tuesday, 20 September, from 11:00am – 12:30 pm)
9. Review of Commission Membership
10. Timely submission of fishery statistical data (deferred from GC to FC, Sept 2004)
11. Report of STACTIC, April 2005
12. Review of Chartering Arrangements
13. UN General Assembly Resolutions A/RES/59/24 and 25 and implications for NAFO (presentation by Executive Secretary)
14. Report of STACTIC at the Annual Meeting
15. Summary of Scientific Advice by the Scientific Council (from June meeting)
  - a) Stock assessments and recommendations (Scientific Council Chair)
  - b) Other issues (to be determined by SC)
16. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2006
  - 16.1 Redfish in Div. 3M
  - 16.2 Shrimp in Div. 3M
17. Possible expansion of Precautionary Approach (PA) Framework to other stocks
18. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2006
  - 18.1 Cod in Div. 3NO and Div. 2J3KL
  - 18.2 Redfish in Div. 3LN and Div. 3O (Redfish 3O – 3 year TAC)
  - 18.3 American plaice in Div. 3LNO
  - 18.4 Witch flounder in Div. 2J3KL
  - 18.5 Yellowtail flounder in Div. 3LNO (PA framework)
  - 18.6 White hake in Div. 3NO (3 year TAC)
  - 18.7 Capelin in Div. 3NO
  - 18.8 Greenland halibut in Div. 3LMNO (rebuilding plan)
  - 18.9 Shrimp in Div. 3LNO
  - 18.10 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area
  - 18.11 Shark finning
19. Formulation of Request to the Scientific Council for scientific advice on the management of fish stocks in 2007
20. Election of Chair and Vice-Chair
21. Time and Place of the Next Meeting
22. Other Business
23. Adjournment

**Annex 4. EAF Interim Measures (proposal by Canada)**  
(FC W.P. 05/11, Rev. 3 now FC Doc. 05/7)

**Background/ Explanatory Memorandum**

It has been recognized that there is a need to reform NAFO to fully implement modern fisheries management tools as reflected by international instruments developed over the past decade, including the United Nations Conventions on the Law of the Sea and the United Nations Fish Stocks Agreement.

One element of a modern RFMO is an ecosystems approach to fisheries (EAF) that gives due consideration to all elements of the marine ecosystem when taking decisions regarding the management of fish stocks under its jurisdiction. To this end, NAFO could explore ways and means of including the ecosystems approach in its mandate and constitutive instruments.

NAFO could also consider some concrete steps to identify and protect sensitive areas in its jurisdiction. This would require that Scientific Council advice be sought with regard to criteria for identifying sensitive and significant areas as well as the identification of such areas pursuant to the established criteria.

In developing the criteria for determining ecologically and biologically sensitive areas, the Scientific Council could consider the numerous initiatives by national, regional and international bodies to develop such frameworks.

It is also proposed that NAFO develop a process to seek additional information on the seamounts in the NAFO Regulatory Area, given their unique character and relative easy identification. As a parallel step, any fishing activity on known seamounts found in the NAFO Regulatory Area must be subject to extensive data collection. This should include detailed information on species and size composition of all catches.

This approach will provide additional data for the Scientific Council to consider and eventually assist the Fisheries Commission to prioritize the areas of ecological and biological significance and determine appropriate management measures to take at the NAFO annual meeting in 2006.

**Proposal**

It is proposed that the following measures be undertaken in order to implement the Ecosystem Approach to fisheries in the NAFO Regulatory Area:

- Fisheries Commission request Scientific Council advice on:
  - The development of criteria for determining areas of marine biological and ecological significance,
  - The identification of such areas in the NAFO Regulatory area
- Amend Article 20 of the NAFO Conservation and Enforcement Measures by adding the following paragraphs:

As of January 2006, all Contracting Party vessels fishing in those portions of the NAFO Regulatory Area identified in the table below are invited, where possible, to collect the data in accordance with paragraph \_

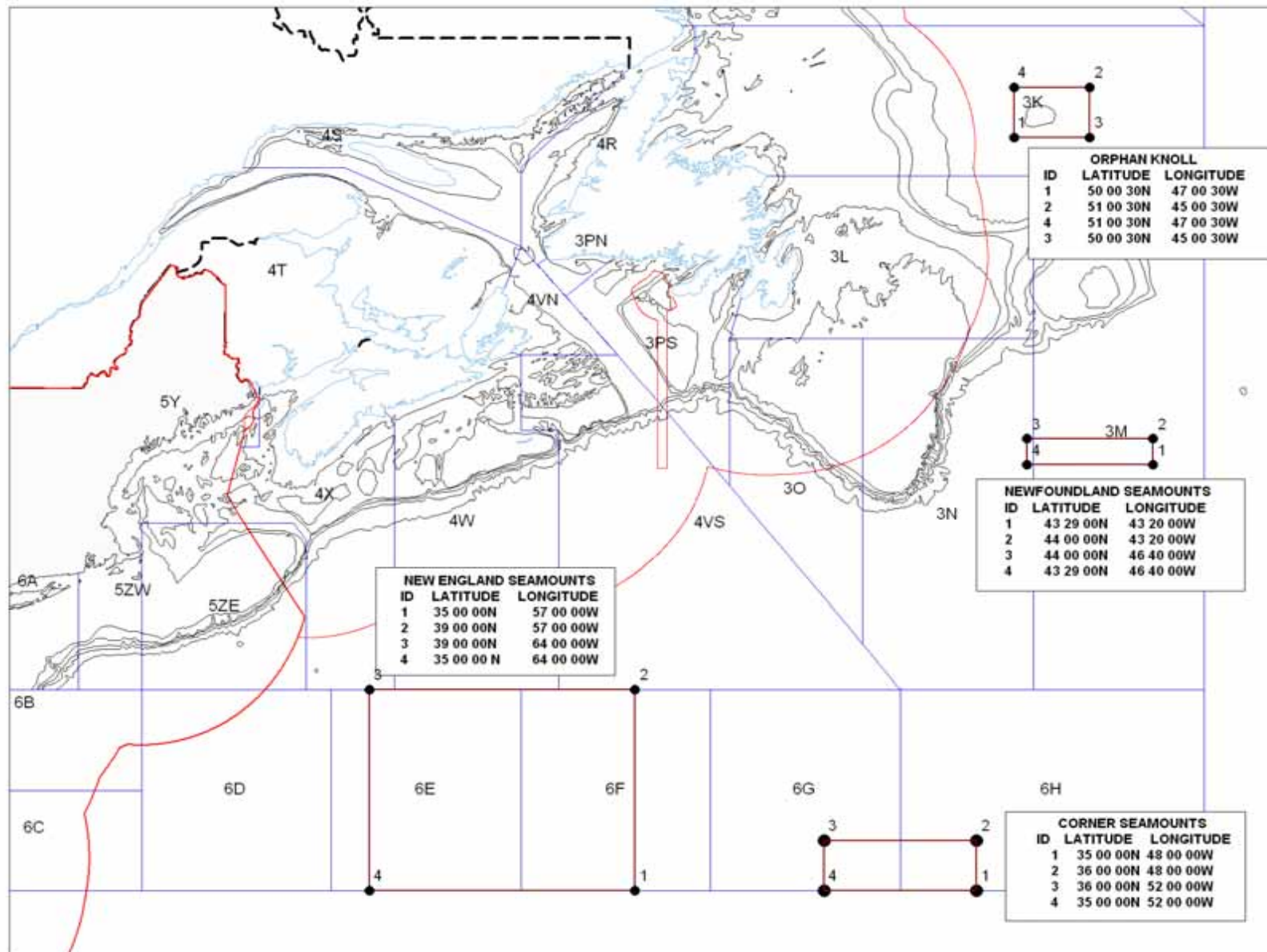
Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Orphan Knoll	50.00.30	51.00.30	51.00.30	50.00.30
	47.00.30	45.00.30	47.00.30	45.00.30
Corner Seamounts	35.00.00	36.00.00	36.00.00	35.00.00
	48.00.00	48.00.00	52.00.00	52.00.00
Newfoundland Seamounts	43.29.00	44.00.00	44.00.00	43.29.00
	43.20.00	43.20.00	46.40.00	46.40.00
New England Seamounts	35.00.00	39.00.00	39.00.00	35.00.00
	57.00.00	57.00.00	64.00.00	64.00.00

For the purposes of paragraph , the following is a list of suggested data to be collected in accordance with commonly used data collection protocols:

- ❖ Species composition in numbers and weight;
- ❖ Length frequencies;
- ❖ Otoliths;
- ❖ Set location, latitudes and longitudes;
- ❖ Fishing gear;
- ❖ Depth fished;
- ❖ Time of day;
- ❖ Duration of set;
- ❖ Tow opened (for mobile gear);
- ❖ Other biological sampling such as maturity where possible;

The data should be collected on a set-by-set basis and reported to the Executive Secretary, for onward transmission to the Scientific Council, as soon as possible after the end of the fishing trip.

The Scientific Council is requested to review these measures at its meeting in June 2006.



**Annex 5. Annual Compliance Review – 2004**  
(STACTIC W.P. 05/41-Rev., now FC Doc. 05/6)

**1. Introduction**

In accordance with the terms of reference outlined in STACTIC W.P. 02/14 a review was undertaken by STACTIC in 2005 on compliance with the Conservation and Enforcement Measures (CEM) in 2004. It was acknowledged by delegations that the review process was valuable but would need to be developed with measurable parameters and improved upon in the light of discussions of the Contracting Parties.

Following the request from Contracting Parties at the intersessional STACTIC Meeting in Reykjavik in April 2005 for the Secretariat to provide more concise tables and analysis, data tables were prepared by the Secretariat and circulated to STACTIC participants (correspondence GF/05-222). These tables (STACTIC Working Paper 05/14), which number 13 in total, were drawn up on the basis of the obligations outlined in Conservation and Enforcement Measures (CEM) and provide an overview of the compliance of Contracting Parties or vessels with those obligations.

**2. Preliminary Analysis of 2004 Compliance Data**

The NAFO Secretariat provided a detailed explanation of the methodology for compilation during a presentation to the STACTIC working group. Furthermore, a written document (STACTIC Working Paper 05/24 – Revised) was provided outlining the Secretariat's Preliminary Analysis of Compliance Data from 2004. The analysis primarily focused on the administrative obligations of the Contracting Parties with some components and tables focusing on vessel compliance. Contracting Parties acknowledged the valuable work of the Secretariat in the data compilation and noted continuing improvement. The preliminary analysis provided by the Secretariat was presented in three parts. Firstly, a report on the obligations of the Contracting Parties; secondly, the catch and effort information from different sources were compared; and finally, information on the apparent infringements issued to individual vessels was presented.

The Secretariat encountered the following difficulties and problems during the compilation:

1. Data/Information from the Contracting Parties was not always available prior to the analysis date of July 31st, 2005
2. Inconsistency in the content of hail reports (cumulative versus non-cumulative catches)
3. Reports in a language other than English.

According to an analysis of the Infringement tables, it was noted that there were recurring incidents of citations issued at-sea for infringements in 2004 for the following:

- Gear requirements (mesh size/liners) (8)
- Vessel requirements (capacity plans and fish holds) (4)
- At-Sea Inspection Protocol (2)
- Directed fishing for moratorium species (2)
- VMS requirements (2)

Additionally there was single citations issued at-sea for:

- Misreporting catches
- Unauthorized fishing
- Quota Requirements
- By-catch provisions
- Product Labeling
- Observer requirements

Areas of apparent infringements issued\* by port authorities included:

- Misreporting of catches (6)
- Gear Requirements (mesh size/liner) (3)

- Unauthorized fishing (1)
- By-catch Requirements (1)

(\*Note: Some of these may have already been included also in the infringements detected at-sea (i.e. in port follow-up by the flag CP)

The Annual Compliance Review from 2003 indicated, with respect to vessel compliance, that there were recurring incidents of citations for the following:

- directed fishing on species under moratorium
- misreporting of catch
- mesh violations
- VMS violations
- failure to carry independent and impartial observers

It is noteworthy that several of the key areas for 2004 non-compliance were the same as those noted in 2003. Furthermore, there were recurring incidences noted in 2004 for violations related to the “at-sea inspection protocol” and the “vessel requirements”.

### **3. Additional Information**

In addition to the presentation by the Secretariat, Canada provided a short presentation on compliance activities and observations in the NRA. Improvements in compliance in 2004 were noted in some areas. Notwithstanding these improvements, several areas of non-compliance were still a concern particularly the issue of misreporting (primarily GHJ and lesser extent 3L Shrimp) especially in light of the Scientific Council’s statements pertaining to the significant overrun of the GHJ quota in 2004 and the impact on the GHJ rebuilding plan.

EU proposed that we move away from individual presentations and move forward with a constructive approach to an overall compliance review. The EU stressed the need to have a measurable and objective way to assess compliance.

Denmark (in respect of Faroe Islands and Greenland) stated that with the current data analysis it was difficult to determine if we were making progress with respect to vessel compliance. It was suggested that future compliance reports should be comprised of two parts. One part focusing on the requirements of Contracting Parties to provide reports and statistical information and the second component to focus on the aspect of vessel compliance with the NCEM both at sea and in port.

Norway indicated that when a Contracting Party had taken action concerning an infringement based on an observer report it should be reflected in the annual compliance report.

Contracting Parties discussed the need to determine the compliance of fishing vessels with the NCEM and to have a standardized methodology to do comparison with respect to relative compliance from year to year and the focus areas. The current data analysis does not focus enough on the areas of vessel non-compliance. Such an analysis would help Contracting Parties to develop control strategies. There is a requirement to develop methodologies that would permit broader application of data analysis to target vessel compliance in addition to the administrative reporting requirements. In this context the annual compliance report should contain both current and historic data such that trends can be observed.

### **4. Conclusions**

Misreporting of catches and violation of gear requirements were the most prevalent forms of non-compliance observed in 2004. In this regard Contracting Parties took note of the statement by the Scientific Council that the Greenland Halibut quota was significantly overrun in 2004.



## 5. **Recommendations**

Contracting Parties must be diligent in ensuring that all reports are provided in a timely manner. In order for the Secretariat to provide meaningful preliminary data analysis for STACTIC members to review, they must have the data. Missing reports weaken the validity of any analysis. (The Secretariat indicated that if they receive all the necessary information by the end of January they can analyze the data and prepare tables prior to a June intersessional meeting of STACTIC).

STACTIC should adopt a standardized report format whereby the compliance report is composed of two parts, Part I being a report on Contracting Party administrative requirements and Part II being a report on vessel (master) compliance with the NCEM's.

STACTIC should provide clear direction to the Secretariat on how they wish the data analyzed and presented. This would ensure that the analysis is meaningful for the STACTIC committee and that the data/analysis can be compared from year to year.

STACTIC should determine measurable criteria for vessel compliance that can be utilized in a consistent manner and permit comparative analysis from year to year.

STACTIC should identify a peer group to assist the Secretariat with a preliminary review of the data analysis in advance of distribution of the final product. (It was decided that representatives from EU/CAN/DFG would comprise a working group).

STACTIC should adopt a system of incident numbering to avoid the double counting of Infringements when multiple inspecting parties issue citations for the same incident (e.g. Cdn – EU inspector's response to at-sea incidents). STACTIC requested that the Secretariat look into this type of system.

STACTIC should endeavour to carry out the annual compliance review at its intersessional meetings when Contracting Parties would have more time to focus on this exercise.

**Annex 6. Amendment to the Conservation and Enforcement Measures**  
**Article 7 – Greenland Halibut in Subarea 2 and Divisions 3KLMNO**  
**(Proposal by EU) (STACTIC W.P. 05/29, Revised now FC Doc. 05/10)**

**EXPLANATORY MEMORANDUM**

The rebuilding plan for the Greenland Halibut stock provided for in Article 7 of the Conservation and Enforcement Measures states in paragraph 6 subparagraph c) of that article that authorised vessels shall only land their catch into ports designated by the Contracting Parties.

Some confusion has arisen with regard to the interpretation of this provision as in certain cases Contracting Parties have designated ports on the territory of other Contracting Parties. In addition the present text does not provide for the establishment of a list of ports by the Executive Secretary that can be distributed to Contracting Parties nor are there any provisions with regard to prior notification of landing.

The provisions should be made clearer as regards the designation of ports and notification to be given by vessels prior to entering such ports. It is therefore proposed to replace the text of Article 7 paragraph 6 subparagraph c) by the following:

*Article 7 – Greenland Halibut in Subarea 2 and Divisions 3KLMNO*

- c) *Authorised vessels may only land Greenland Halibut catches in designated ports.*

*To this end each Contracting Party shall designate ports of that Contracting Party in which landings of Greenland halibut are authorised and communicate a list of these ports to the Executive Secretary by 1 January 2006. Each Contracting Party shall transmit to the Executive secretary any subsequent changes in the list at least 15 days before they enter into force. On the basis of this information the Executive Secretary shall establish a list of designated ports and transmit it as well as any subsequent changes to all Contracting Parties.*

*Prior to entry into any designated port authorised vessels or their representatives shall provide the competent port authority at least 48 hours before the estimated time of arrival with the following:*

- i. Estimated time of arrival;*
- ii. Estimate of quantities of Greenland halibut retained onboard;*
- iii. Information on the zone or zones where the catches were taken.*

*Each landing shall be subjected to an inspection in port. The corresponding port inspection report shall be transmitted to the NAFO Secretariat within 14 working days from the date on which the inspection was completed. The NAFO secretariat shall make these reports available to other Contracting Parties upon request.*

**Annex 7. Amendment to the Conservation and Enforcement Measures****Article 32 – Serious infringements (proposal by France (SPM))**

(STACTIC W.P. 05/34 now FC Doc. 05/11)

In December 2004, a member State of the European Union asked French authorities to carry on a port inspection in Saint-Pierre harbour in accordance with Article 32 paragraph 7 of the Conservation and Enforcement Measures.

Geographical position of Saint-Pierre, harbour close to fishing areas, could be an alternative solution for port's inspection in case of serious infringements in the Regulatory Area. France wishes officially to offer this opportunity to Contracting Parties.

In this respect, Article 32 paragraph 7 of the Conservation and Enforcement Measures could be replaced by the following text:

Where justified, the authorities of the Flag State Contacting Party of the vessel concerned shall, where authorised to do so, require the vessel to proceed immediately to a port for a thorough inspection under the authority of the Flag State and in the presence of an inspector from any other Contracting Party which wishes to participate. The master should direct the vessel either to St. John's or Halifax, Canada, Saint-Pierre, France, or its home port, unless another port is designated by the Flag State. If the vessel is not called to port, the Contracting Party must provide due justification in a timely manner to the Executive Secretary who shall make it available on request to any Contracting Party.

**Annex 8. Accurate Identification of wolffish and hake Species  
Harvested in the NAFO Regulatory Area (proposal by Canada)**  
(STACTIC W.P. 05/38 now FC Doc. 05/12)

**Explanatory Memorandum**

Accurate reporting of all species harvested in the NAFO Regulatory Area is essential to sound management of fish stocks. To ensure that management decisions are based on the best possible scientific advice, it is important that all species captured are accurately recorded and reported.

Of particular concern in recent years is the apparent misidentification of wolffish and hake species caught in the NRA. Although 3 distinct types of wolffish are encountered in the Regulatory Area, the Northern, Striped and Spotted wolffish are all recorded under a single three-alpha code for unspecified wolffish (CAT). With recent reported catches of wolffish in the NRA ranging from 5 - 700 tons, efforts should be taken to accurately quantify the amounts of each species that are being harvested.

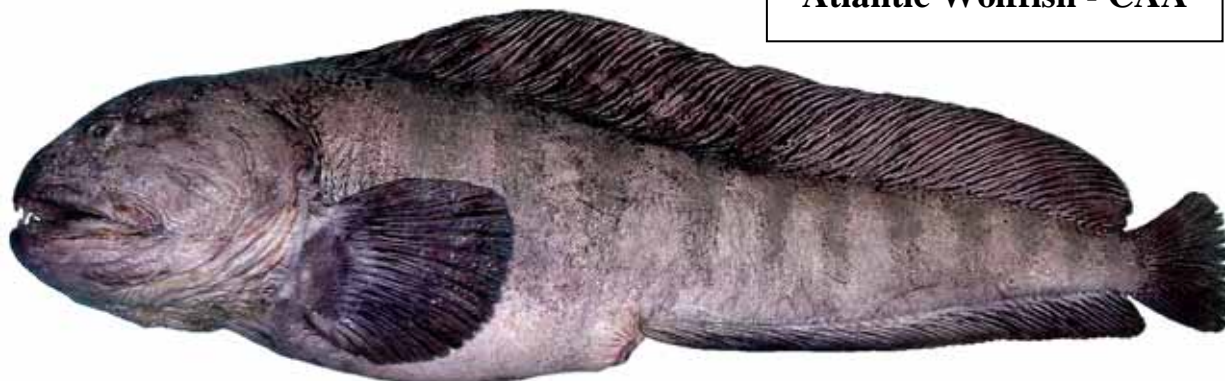
In 2005, White hake came under quota regulation in NAFO for the first time, with a Total Allowable Catch of 8500 tons. Given concerns that at least some of the white hake reported may have been misidentified as Longfin hake, a mechanism is proposed to ensure catches of these hake species be reported accurately to NAFO.

In addition to the possible misidentification of Longfin hake as White hake, it is also likely that the significant quantities of Red hake reported to NAFO in recent years (almost 6,000t in 2003) may be Threebeard rockling, a species more commonly found in significant quantities in the NRA as compared to Red hake.

Given the importance of ensuring that all fish harvested in the NRA are accurately reported to NAFO, it is proposed that a photo handout be developed for masters, inspectors and observers to facilitate the differentiation of hake and wolffish species. This handout should include three-alpha codes for accurate recording and requires the adoption of new codes for the identification of Northern wolffish, Longfin hake and Threebeard rockling. It is proposed that the handout be developed in consultation with Scientific Council and follow the format proposed in the attached Annexes.

**ANNEX 1 - Wolffish Species**

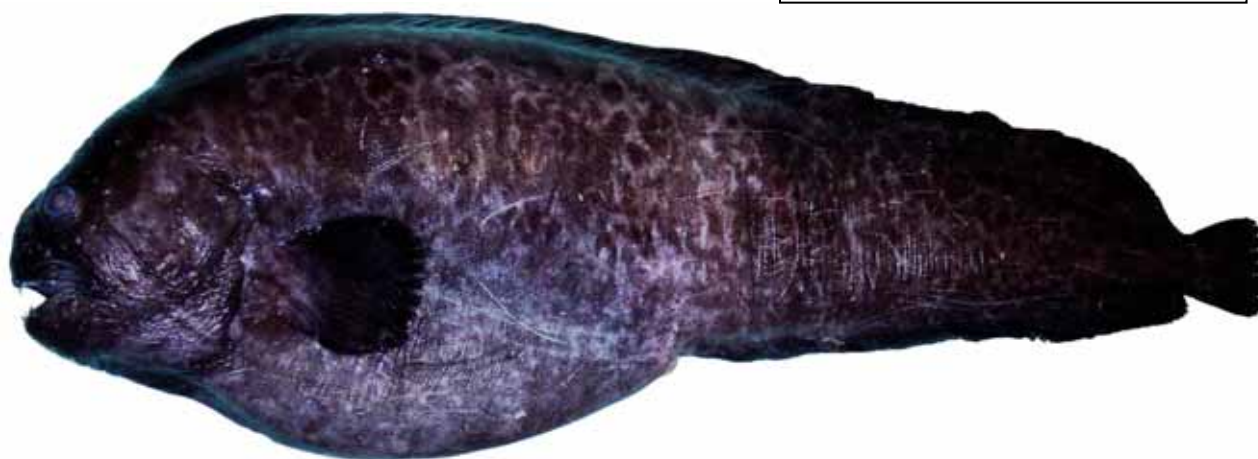
**Atlantic Wolffish - CAA**



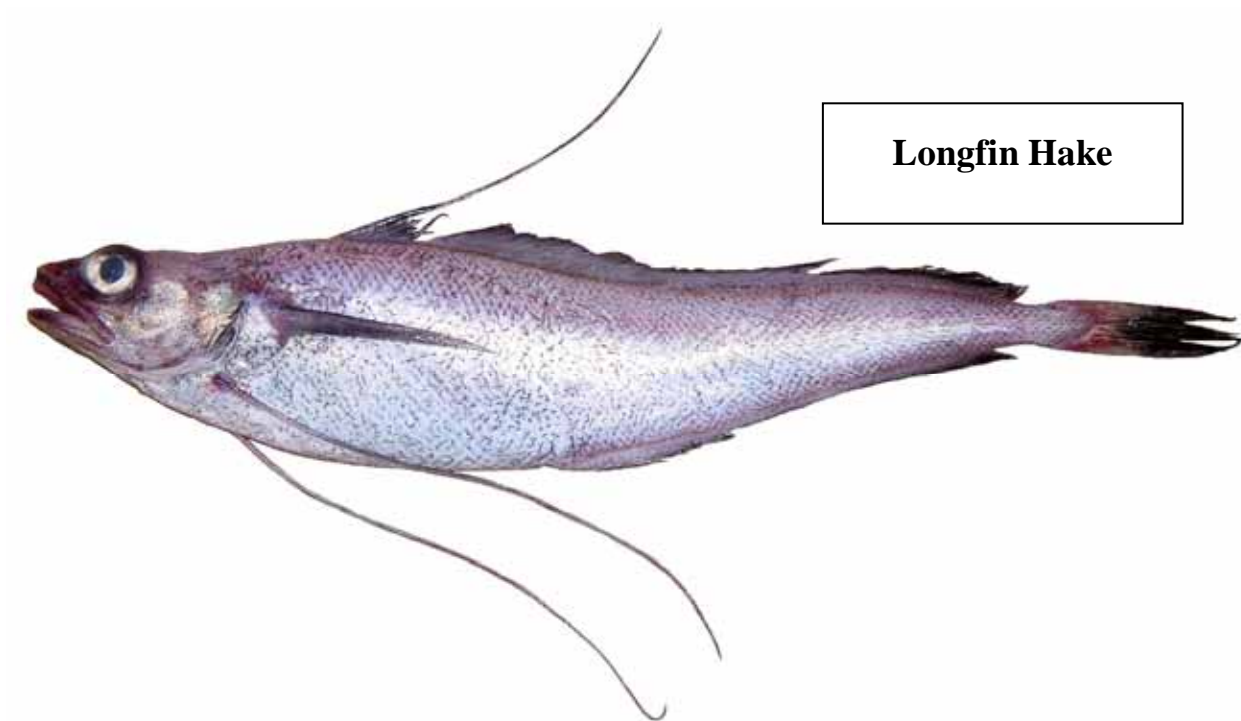
**Spotted Wolffish - CAS**



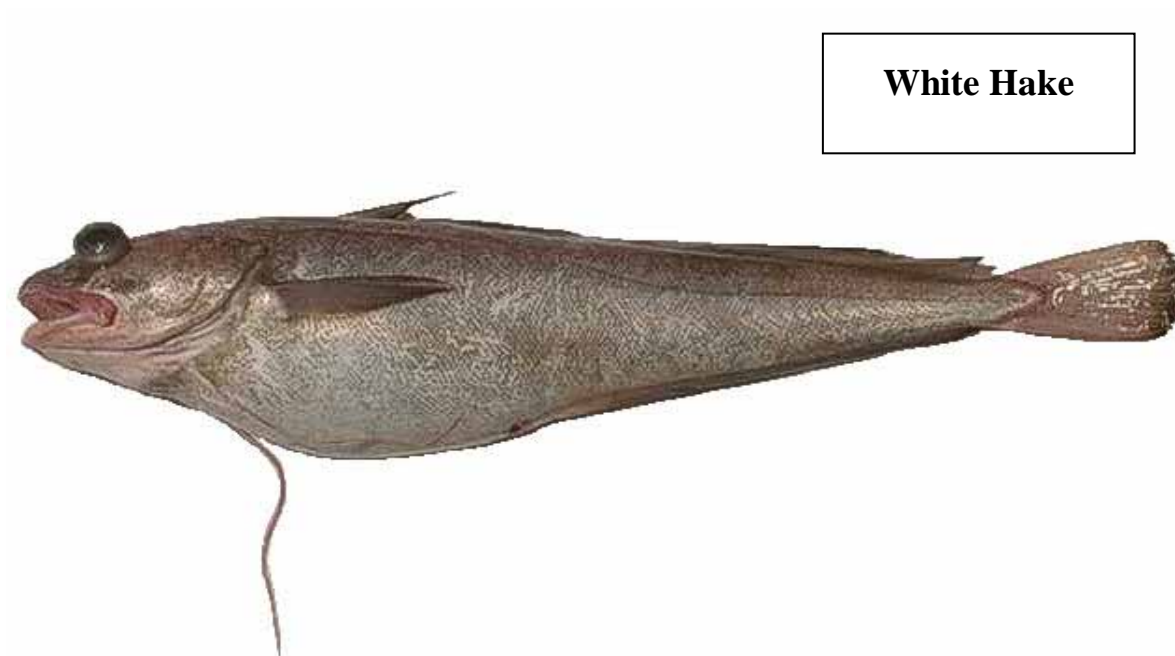
**Northern Wolffish - ???**



**ANNEX 2 - Longfin Hake and White Hake**



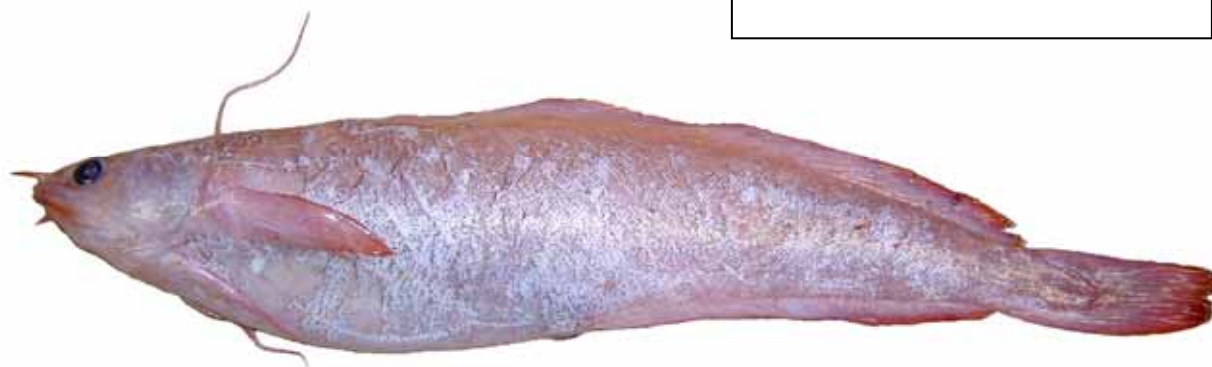
**Longfin Hake**



**White Hake**

**ANNEX 3 - Threebeard Rockling and Red Hake**

**Threebeard Rockling**



**Red Hake**



**Annex 9. New and amended error codes in the Return message  
and additional data-elements in RET messages (proposal by Iceland)**  
(STACTIC Working Paper 05/9-Rev. 2 – now FC Doc. 05/13)

**Background:**

The Icelandic FMC has found the RET messages very useful but the current return error numbers are very limited in the case the message has the return status “NAK”. There are only 3 possibilities to report an error and experiences have frequently shown the need for expansion of the return error numbers. There should be an indication of what is the actual cause for the error and furthermore indicate if the message is accepted or needs to be corrected or retransmitted.

Similar amendments to the error codes have been accepted in NEAFC, but as yet not been implemented.

Serious communication errors which will require a follow up action have numbers from 100 to 149 and less serious communication errors which do not need a follow up action have error numbers from 150 to 199.

The same logic applies for the other categories.

The aim is to open the possibility for the operator to pinpoint the error and subsequently correct it as well as the possibility of automatic corrections where that is applicable. As there are multiple numbers available for each category, future expansions are very easy and do not call for modifications of the existing numbers. However, such changes must be coordinated to avoid possible conflict with existing numbers used in other RFMOs.

As it is foreseen that a joint Norwegian/Icelandic proposal on additional data-elements in the return messages (RET) will be submitted to NEAFC, it is proposed to amend the RET message accordingly.

The amendments are to add two data-elements into the message to make it more useful. These are the sequence number and the radio call sign of the vessel. Both of these will be optional as they are not applicable in all return messages.

**Proposal:**

The proposal affects Annex XXIII D.2) Return messages. It is proposed to delete the existing table, “Return message format”, and insert the following two tables, table A) Return message format and table B) Return error numbers.



**A) Return message format**

Data Element	Field Code	Mandatory/ Optional	Remarks
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, Contracting Party sending the report
From	FR	M	Message detail; XNW is NAFO (who is sending the return message)
Type of message	TM	M	Message detail; message type RET for return message
Radio call sign	RC	O	Reporting detail; international radio call sign of the vessel, copied from the report which is received.
Sequence number	SQ	O	Reporting detail; serial number of the report from the vessel in the relevant year, copied from the report which is received.
Return Status	RS	M	Reporting detail; code showing whether the message is acknowledged or not (ACK or NAK)
Return error number	RE	O	Reporting detail; number showing the type of error. See table B) for return error numbers
Record number	RN	M	Reporting detail; record number of the message which is received
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of Record	ER	M	System detail; indicates end of the record

**B) Return error numbers**

Subject/Article:	Errors		Error cause
	Follow up action required	Accepted	
<b>Communication</b>	101		Message is unreadable
	102		Data value or size out of range
	104		Mandatory data missing
	106		Unauthorised data source
		150	Sequence error
		151	Date / Time in the future
<b>Article 15</b>			
		250	<i>Attempt to re-Notify a vessel</i>
		251	Vessel is not Notified
<b>Article 22</b>			
	302		Transshipment prior to Catch on Entry
	303		Catch on Exit prior to Catch on Entry
	304		No Position received (TRA, COX)
		350	Position without Catch on Entry

**Annex 10. Proposal for amendments to the Conservation and Enforcement Measures  
(Proposal by Norway) (STACTIC W.P. 05/8, Revised now FC Doc. 05/9)**

Concerns about the increase in transshipments of fish and fish products, in particular on the high seas, have been expressed in different international forums over the last years.

There are indications that common means of conducting illegal, unreported and unregulated (IUU) fishing involves the unreported (or misreported) transshipments of fish at sea, where monitoring of the transshipments is very difficult.

Some global initiatives to address the problem have been taken in instruments such as the 1995 UN Fish Stocks Agreement (cf. Articles 18 and 23) and in the FAO International Plan Of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. Paragraph 49 of the IPOA on IUU sets out the following:

**“Flag States should ensure that, to the greatest extent possible, all their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to tranship issued by the flag State, and report to the national fisheries administration or other designated institution:**

*the date and location of all their transshipments of fish at sea;*

*the weight by species and catch area of the catch transhipped;*

*the name, registration, flag and other information related to the identification of the vessels involved in the transshipment; and*

*the port of landing of the transhipped catch.”*

Thus flag States should, at a minimum require all their vessels engaged in transshipment of fish at sea to report information set forth in this paragraph.

For transshipments in the NAFO Regulatory Area, the reporting obligations are set out in Article 22, paragraph 1, subparagraph c) of the NAFO Conservation and Enforcement Measures (CEM). The reports shall be in accordance with Annex X) of the CEM. Questions have been raised concerning obligations on the receiving vessels compared to those of the donor vessels, in particular concerning the timing of notifications. To enable the control services to actually inspect a receiving vessel, just a short time for notification should be allowed. Further there are no requirements concerning information on the catch after transshipment.

In order to make the notification requirements clearer, it is suggested to amend the CEM accordingly by making a distinction between the donor and the receiving vessel and to limit the allowed time for notification from the receiving vessel to one hour. Further, to enable NAFO-parties to control receiving vessels also upon landing, information on the port where the landing will take place should be required, cf. the last point of the quote from the IPOA on IUU Fishing above. This should be an obligation on the receiving vessel. For practical reasons it should be allowed to submit such a report also after the transshipment as the port of destination might be unknown at that time. However, a minimum time of notification prior to arrival in port should be required.

It is proposed to amend the current Article 22, paragraph 1, subparagraph c) of the CEM to read as follows:

each transshipment in the Regulatory Area. Concerning donor vessels this report shall be made at least twenty-four (24) hours in advance and concerning receiving vessels this report shall be made not later than one (1) hour after and shall include the date, time, geographical position of the planned transshipment and total round weight by species (3 alpha codes) to be off-loaded or which have been on-loaded in kilograms (rounded to the nearest 100 kilograms) and the call sign of vessels transhipped to or from respectively. This report shall be identified as TRA;

Further, it is suggested to include at the end of Article 22, paragraph 1, subparagraph c) of the CEM the following sentence:

The receiving vessel shall report the total catch onboard and the total weight to be landed, the name of port and the time of landing at least twenty-four (24) hours in advance of any landing. This report shall be identified as POR.

To make port state control effective it is necessary to increase the transparency on information about landings. The article 22, paragraph 2 of the CEM should read as follows:

Competent authorities of each Contracting Party shall automatically transmit the information referred to in paragraph 1 to the Executive Secretary. The Executive Secretary shall transmit the information to other Contracting Parties with an inspection presence in the Regulatory Area as soon as possible and shall ensure that all such transmissions are numbered sequentially for each Contracting Party. The port of landing report shall in addition be made available without delay to the Flag state of the vessel sending the report and to all Contracting Parties. These reports are to be treated in accordance with Annex XX.

If a Contracting Party so requests, the Secretariat shall confirm receipt of all electronic reports using a return message identified as “RET” according to the data exchange format in Annex IX.

In the NEAFC Scheme it was found necessary also to improve the Non - Contracting Party Scheme by making the prohibition of transshipments go both ways. It is therefore suggested to make the following amendment to article 41 of the CEM:

1. Contracting Parties shall ensure that their vessels do not receive or deliver transshipments of fish from or to a Non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the Regulatory Area.

A proposed format for the communication of the Port of landing report (POR) and suggested changes to the Transshipment report (TRA) are attached (./.).

## New report in Annex X

## “PORT of landing” report

Data Element:	FieldCode:	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
From	FR	M	Name of transmitting Party
Address	AD	M	Message detail; destination “XNW” for NAFO
Sequence number	SQ	M	Message detail; serial number of the report from the vessel in the relevant year
Type of Message	TM	M	Message detail; message type, “POR”
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Name of Master	MA	O	Name of master of vessel
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Latitude	LA	M <sup>1</sup>	Activity detail; position at time of transmission
Longitude	LO	M <sup>1</sup>	Activity detail; position at time of transmission
Coastal state	CS	M	Activity detail; coastal state of Port of Landing
Name of Port	PO	M	Activity detail; name of Port for landing
Predicted Date	PD	M	Activity detail; estimated date UTC when the master intends to be in port (YYYYMMDD)
Predicted Time	PT	M	Activity detail; estimated time UTC when the master intends to be in port (HHMM)
Quantity to be landed species live weight	KG	M	Activity detail; quantity by species to be landed in the Port, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Quantity on board species live weight	OB	M	Activity detail; quantity by species on board, in pairs as needed FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Date	DA	M	Message detail; UTC date of transmission
Time	TI	M	Message detail; UTC time of transmission
End of record	ER	M	System detail; indicates end of the record

<sup>1</sup> Optional if a vessel is subject to satellite tracking

## New format for the “TRANSHIPMENT” report in Annex X

## “TRANSHIPMENT” report

Data Element:	Field Code:	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
From	FR	M	Name of transmitting Party
Address	AD	M	Message detail; destination, “XNW” for NAFO
Sequence Number	SQ	M	Message detail; message serial number in current year
Type of Message	TM	M	Message detail; message type, “TRA” as Transhipment report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Name of Master	MA	O	Name of master of vessel
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Quantity on-loaded or off-loaded species live weight	KG	M M	Quantity by species on-loaded or off-loaded in the R.A., in pairs as needed. FAO species code live weight in kilograms, rounded to the nearest 100 kilograms,
Transhipped To	TT	M <sup>1</sup>	Vessel registration detail; International radio call sign of the receiving vessel
Transhipped From	TF	M <sup>1</sup>	Vessel registration detail; International radio call sign of the donor vessel
Latitude	LA	M <sup>2</sup>	Activity detail; <del>position at time of</del> <u>estimated latitude where the master intends to do the</u> transshipment
Longitude	LO	M <sup>2</sup>	Activity detail; <del>position at time of</del> <u>estimated longitude where the master intends to do the</u> transshipment
<u>Predicted Date</u>	<u>PD</u>	<u>M<sup>2</sup></u>	<u>Activity detail; estimated date UTC when the master intends to do the transshipment (YYYYMMDD)</u>
<u>Predicted Time</u>	<u>PT</u>	<u>M<sup>2</sup></u>	<u>Activity detail; estimated time UTC when the master intends to do the transshipment (HHMM)</u>
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

**Annex 11. Proposal for amendment of the Conservation and Enforcement Measures of NAFO  
Concerning the Conservation of Sharks and Prohibition of Shark Finning  
(Proposal by EU and USA) (FC W.P. 05/12 now FC Doc. 05/8)**

**Explanatory Memorandum**

The United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks.

The General Assembly of the United Nations has recently adopted resolutions calling on its members to ban shark fin fisheries and encouraging measures to reduce waste and fully utilise sharks.

The Convention on International Trade with Endangered Species (CITES) has in 2004 encouraged Parties and Regional Fisheries Organisations (RFOs) to develop, adopt and implement inter alia regional agreements for the conservation and management of sharks.

Other RFOs such as the Inter American Tropical Tuna Convention (IATTC) and the International Convention on the Conservation of Atlantic Tunas (ICCAT) have already adopted recommendations to conserve shark stocks and to prohibit so called shark finning.

It is recognised that many sharks are part of ecosystems in the NAFO Convention area and are often caught as by-catches in NAFO fisheries (such as Greenland shark and basking sharks). Already in 2004, NAFO adopted management measures for skate stocks in the Regulatory Area.

It would however be appropriate to adopt further measures destined in particular to collect data on the outtake of other shark species and to introduce a ban on shark finning in the NAFO Area.

**Proposal**

**The following measures shall be added to Chapter I of the Conservation and Enforcement Measures of NAFO:**

1. Contracting Parties shall report data for all catches of sharks, in accordance with the data reporting procedures laid down in Chapter III, including available historical data.
2. Contracting Parties shall ensure that fishing vessels fully utilize their entire catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
3. Contracting Parties shall require their vessels not to have onboard shark fins that total more than 5% of the weight of sharks onboard, up to the first point of landing.

Contracting Parties that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures.

4. The ratio of fin-to-body weight of sharks described in paragraph 3 shall be reviewed by the scientific council and reported back to the Commission in 2006 for revision, if necessary.
5. Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of these provisions.

6. In fisheries that are not directed at sharks, Contracting Parties shall encourage the release of live sharks, especially juveniles, to the extent possible, that are caught as by-catches and are not used for food and/or subsistence.
7. Contracting Parties shall, where possible, undertake research to identify ways to make fishing gears more selective.
8. Contracting Parties shall when possible conduct research to identify shark nursery areas.

**Annex 12. CEM Annex I.A**  
**Annual Quota Table**

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2006 of particular stocks in Subareas 1-4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Species	Cod			Redfish				American plaice		Yellowtail	Witch	
Division/Contracting Party	3L	3M	3NO	3LN	3M	3O	Sub-Area 2 and Div. 1F+3K	3LNO	3M	3LNO	3L	3NO
Canada		0	0	0	500	6000	627 <sup>2,4</sup>	0	0	14624 <sup>5</sup>		0
Cuba		0	-	0	1750		627 <sup>2,4</sup>	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		15675 <sup>2,3</sup>	-	-	-		-
European Union		0 <sup>11</sup>	0 <sup>11</sup>	0 <sup>11</sup>	7813 <sup>12</sup>	7000	$\frac{15675^{2,3}}{4076^{2,15}}$	0	0 <sup>11</sup>	-		0 <sup>11</sup>
France (St. Pierre et Miquelon)		-	-	-	69		627 <sup>2,4</sup>	-	-	300 <sup>5</sup>		-
Iceland		-	-	-	-		15675 <sup>2,3</sup>	-	-	-		-
Japan		-	-	-	400	150	627 <sup>2,4</sup>	-	-	-		-
Korea		-	-	-	69	100	627 <sup>2,4</sup>	-	-	-		-
Norway		0	-	-	-		15675 <sup>2,3</sup>	-	-	-		-
Russia		0	0	0	9137	6500	15675 <sup>2,3</sup>	-	0	-		0
Ukraine						150	627 <sup>2,4</sup>					
United States of America		-	-	-	69		627 <sup>2,4</sup>	-	-	-		-
Others		0	0	0	124	100	-	0	0	76 <sup>5</sup>		0
TOTAL ALLOWABLE CATCH	*	*	* <sup>16</sup>	* <sup>16</sup>	5000 <sup>8,16</sup>	20000 <sup>16</sup>	20378 <sup>10,17</sup>	* <sup>16</sup>	*	15000 <sup>9</sup>	* <sup>16</sup>	*



Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) <sup>1</sup>	Shrimp	
Division/Contracting Party	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO
Canada	2500	0	2250	2056	N.S. <sup>6</sup>	18325	
Cuba		0		-	510	245	
Denmark (Faroe Islands and Greenland)		-		238	-	245	
European Union	5000	0 <sup>11</sup>	8500	8038 <sup>18</sup>	<u>N.S.</u> <sup>6</sup> 611 <sup>13</sup>	1225 <sup>14</sup>	
France (St. Pierre et Miquelon)		-		224	453	245	
Iceland		-		-	-	245	
Japan		0		1405	510	245	
Korea		-		-	453	245	
Norway		0		-	-	245	
Russia	500	0	2250	1748	749	245	
Ukraine						245	
United States of America		-		-	453	245	
Others	500	-	500	0 <sup>7</sup>	794	0	
TOTAL ALLOWABLE CATCH	8500 <sup>16</sup>	* <sup>16</sup>	13500 <sup>16</sup>	13709	34000	22000	*

\* Ban on fishing in force – The provisions of Article 9, paragraph 3 shall apply.

- 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.
- The Contracting Parties shall notify the Executive Secretary every second week of catches taken by its vessels from this allocation until accumulated reported catch reaches 50%, after which time weekly notification shall apply. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
- Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.
- Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.

- <sup>5</sup>. Contracting Parties shall inform the Executive Secretary before 1 December 2005 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
- <sup>6</sup>. 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 (= 29,458 tons).
- <sup>7</sup>. In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.
- <sup>8</sup>. Each Contracting Party shall notify the Executive Secretary every second week of catches taken by its vessels from this stock until accumulated reported catch reaches 50%, after which time weekly notification shall apply. Not more than 2500 tons may be fished before July 1, 2006. 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 50% and then 100% of the TAC.
- <sup>9</sup>. The provisions of Article 9, paragraph 3 of the Conservation and Enforcement Measures shall apply.
- <sup>10</sup>. In the case of the NEAFC decision which modifies the level of TAC for this stock in 2006 as compared to 2005, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote.
- <sup>11</sup>. Including fishing entitlements of Estonia, Latvia, and Lithuania following their accession to the European Union and in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7).
- <sup>12</sup>. Including allocations of 1571 tonnes each for Estonia, Latvia and Lithuania out of a sharing of 20,000 tonnes, following their accession to the European Union.
- <sup>13</sup>. Allocations of 128 tonnes each for Estonia, Latvia and Lithuania as well as 227 tonnes for Poland out of a TAC of 34,000 tonnes, following their accession to the European Union.
- <sup>14</sup>. Including allocations of 245 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 22000 tonnes, following their accession to the European Union.
- <sup>15</sup>. Allocation of 3637 tonnes for Lithuania and 439 tonnes to Latvia following their accession to the European Union.
- <sup>16</sup>. Applicable to 2006 and 2007.
- <sup>17</sup>. The quota shares in footnotes 4 and 15 can only be fished in the NAFO Regulatory Area. If an increase in the overall TAC as defined in footnote 10 leads to an increase in these shares, the first 500 tonnes of that increase shall be added to the quota share referred to in footnote 4.
- <sup>18</sup>. Including an allocation of 450 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union.

**CEM Annex I.B**  
**Effort Allocation Scheme for Shrimp Fishery in the**  
**NAFO Regulatory Area Div. 3M, 2006**

CONTRACTING PARTY	NUMBER OF FISHING DAYS	NUMBER OF VESSELS
<b>Canada</b>	456	16
<b>Cuba</b>	100	1
<b>Denmark</b>		
– Faroe Islands	1606	8
– Greenland	515	14
<b>European Union</b>	3293 <sup>1</sup>	33 <sup>1</sup>
<b>France (in respect of St Pierre et Miquelon)</b>	100	1
<b>Iceland</b>	N/A	N/A
<b>Japan</b>	100	1
<b>Korea</b>	100	1
<b>Norway</b>	1985	32
<b>Russia</b>	2100	N/A
<b>Ukraine</b>	100	1
<b>USA</b>	100	1

<sup>1</sup> Including fishing entitlements transferred from Poland (100 fishing days with one vessel), Estonia (1667 fishing days with 8 vessels), Latvia (490 fishing days with 4 vessels) and Lithuania (579 fishing days with 7 vessels) following their accession to the European Union.

**CEM Annex I.C**  
**Rebuilding Plan for 3LMNO Greenland Halibut**

Species	Greenland halibut	Greenland halibut	Greenland halibut	Greenland halibut
Division/ Contracting Party	3LMNO	3LMNO	3LMNO	3LMNO
	2004	2005	2006	2007
Canada	2223	2112	2056	1778
Cuba	-	-	-	-
Denmark (Faroe Islands and Greenland)	-	244	238	206
European Union	8203	8254 <sup>3</sup>	8038 <sup>4</sup>	6951 <sup>5</sup>
France (St Pierre et Miquelon)	-	230	224	194
Iceland	-	-	-	-
Japan	1519	1443	1405	1215
Korea	-	-	-	-
Norway	-	-	-	-
Russia	1890	1796	1748	1512
Ukraine	-	-	-	-
United States of America	-	-	-	-
Others	985 <sup>1</sup>	0 <sup>2</sup>	0 <sup>2</sup>	0 <sup>2</sup>
<b>TOTAL ALLOWABLE CATCH</b>	<b>14820</b>	<b>14079</b>	<b>13709</b>	<b>11856</b>

<sup>1</sup> Of which no more than 60% may be fished before 1 May in each year.

<sup>2</sup> In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.

<sup>3</sup> Including an allocation of 461 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

<sup>4</sup> Including an allocation of 450 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

<sup>5</sup> Including an allocation of 389 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

**Annex 13. Fisheries Commission's Request for Scientific Advice on Management  
in 2007 of Certain Stocks in Subareas 2, 3 and 4**  
(FC W.P. 05/18, Revised now FC Doc. 05/14)

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 2006 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2007:

Northern shrimp (Div. 3M, 3LNO)  
Greenland halibut (Subarea 2 and Div. 3KLMNO)

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, at a meeting in advance of the 2006 Annual Meeting, 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. 3M; Div. 3LN; Div. 3O)  
Yellowtail flounder (Div. 3LNO)  
American plaice (Div. 3LNO; Div. 3M)  
Witch flounder (Div. 2J3KL; Div. 3NO)  
Skates (Div. 3LNO)  
White hake (Div. 3NO)  
Capelin (Div. 3NO)  
Northern shortfin squid (Subareas 3 and 4)

- In 2005, advice was provided for 2006 and 2007 for cod in 3NO, American plaice in 3LNO, witch flounder in 2J3KL, redfish in 3M, redfish in 3LN, redfish in 3O, white hake in 3NO and capelin in 3NO. These stocks will next be assessed in 2007.
- In 2006, advice will be provided for 2007 and 2008 for cod in 3M, American plaice in 3M, yellowtail flounder in 3LNO, witch flounder in 3NO, thorny skate in 3LNO and northern shortfin squid in SA 3&4. These stocks will next be assessed in 2008.

The Fisheries Commission requests the Scientific Council to continue to monitor the status of all 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 in assessing and projecting future stock levels for those stocks listed above:
  - a) The preferred tool for the presentation of a synthetic view of the past dynamics of an exploited stock and its future development is a stock assessment model, whether age-based or age-aggregated.
  - b) 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  $F_{0.1}$  and  $F_{2005}$  in 2007 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 long term under this range of options.
  - c) 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 level of fishing effort or fishing mortality (F) required to take two-thirds MSY catch in the long term should be calculated.

- d) 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.
- e) Spawning stock biomass levels 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.
- f) Information should be provided on stock size, spawning stock sizes, recruitment prospects, fishing mortality, catch rates and TACs implied by these management strategies for the short and the long term in the following format:
  - I. For stocks for which analytical-type assessments are possible, graphs should be provided of all of the following for the longest time-period possible:
    - historical yield and fishing mortality;
    - spawning stock biomass and recruitment levels;
    - catch options for the year 2007 and subsequent years over a range of fishing mortality rates
    - (F) at least from  $F_{0.1}$  to  $F_{\max}$ ;
    - spawning stock biomass corresponding to each catch option;
    - 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 as a function of fishing mortality rate or fishing effort should be provided. Age aggregated assessments should also provide graphs of all of the following for the longest time period possible:
    - exploitable biomass (both absolute and relative to  $B_{\text{MSY}}$ )
    - yield/biomass ratio as a proxy for fishing mortality (both absolute and relative to  $F_{\text{MSY}}$ )
    - estimates of recruitment from surveys, if available.
  - III. Where analytical methods are not attempted, the following graphs should be presented, for one or several surveys, for the longest time-period possible:
    - time trends of survey abundance estimates, over:
      - an age or size range chosen to represent the spawning population
      - an age or size-range chosen to represent the exploited population
      - recruitment proxy or index for an age or size-range chosen to represent the recruiting population.
    - fishing mortality proxy, such as the ratio of reported commercial catches to a measure of the exploited population.

For age-structured assessments, yield-per-recruit graphs and associated estimates of yield-per-recruit based reference points should be provided. In particular, the three reference points, actual  $F$ ,  $F_{0.1}$  and  $F_{\max}$  should be shown.

4. Noting the Precautionary Approach Framework as endorsed by Fisheries Commission, the Fisheries Commission requests that the Scientific Council provide the following information for the 2006 Annual Meeting of the Fisheries Commission for all stocks under its responsibility requiring advice for 2007:
  - a) the limit and precautionary reference points as described in Annex II of the UN Fisheries Agreement indicating areas of uncertainty (for those stocks for which precautionary reference points cannot be determined directly, proxies should be provided);
  - b) the stock biomass and fishing mortality trajectory over time overlaid on a plot of the proposed PA Framework (for those stocks where biomass and/or fishing mortality cannot be determined directly, proxies should be used);

- c) information regarding the current Zone the stock is within as well as proposals regarding possible harvest strategies to move the resource to (or maintain it in) the Safe Zone including medium term considerations and associated risk or probabilities which will assist the Commission in developing the management strategies described in paragraphs 4 and 5 of Annex II in the Agreement.
5. The following elements should be taken into account by the Scientific Council when considering the Precautionary Approach Framework:
- a) References to “risk” and to “risk analyses” should refer to estimated probabilities of stock population parameters falling outside biological reference points.
  - b) Where reference points are proposed by the Scientific Council as indicators of biological risk, they should be accompanied by a description of the nature of the risk associated with crossing the reference point such as recruitment overfishing, impaired recruitment, etc.
  - c) When a buffer reference point is proposed in the absence of a risk evaluation in order to maintain a low probability that a stock, measured to be at the buffer reference point, may actually be at or beyond the limit reference point, the Scientific Council should explain the assumptions made about the uncertainty with which the stock is measured.
  - d) Wherever possible, short and medium term consequences should be identified for various exploitation rates (including no fishing) in terms of yield, stability in yield from year to year, and the risk or probability of maintaining the stock within, or moving it to, the Safe Zone. Whenever possible, this information should be cast in terms of risk assessments relating fishing mortality rates to the trends in biomass (or spawning biomass), the risks of stock collapse and recruitment overfishing, as well as the risks of growth overfishing, and the consequences in terms of both short and long term yields.
  - e) When providing risk estimates, it is very important that the time horizon be clearly spelled out. By way of consequence, risks should be expressed in timeframes of 5, 10 and 15 years (or more), or in terms of other appropriate year ranges depending on stock specific dynamics. Furthermore, in order to provide the Fisheries Commission with the information necessary to consider the balance between risks and yield levels, each harvesting strategy or risk scenario should include, for the selected year ranges, the risks and yields associated with various harvesting options in relation to  $B_{lim}$ , and  $F_{lim}$  and target  $F$  reference points selected by managers.
6. Many of the stocks in the NAFO Regulatory Area are well below any reasonable level of  $B_{lim}$  or  $B_{buf}$ . For these stocks, the most important task for the Scientific Council is to inform on how to rebuild the stocks. In this context and building on previous work of the Scientific Council in this area, the Scientific Council is requested to evaluate various scenarios corresponding to recovery plans with timeframes of 5 to 10 years, or longer as appropriate. This evaluation should provide the information necessary for the Fisheries Commission to consider the balance between risks and yield levels, including information on the consequences and risks of no action at all.
- a) information on the research and monitoring required to more fully 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 the order of priority considered appropriate by the Scientific Council;
  - b) 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; and
  - c) propose criteria and harvest strategies for new and developing fisheries so as to ensure they are maintained within the Safe Zone.
7. Regarding pelagic *S. mentella* redfish in NAFO Subareas 1-3, the Scientific Council is requested to review the most recent information on the distribution of this resource, as well as on the affinity of this stock to the pelagic

redfish resource found in the ICES Sub-area XII, parts of SA Va and XIV and to the shelf stocks of redfish found in ICES Sub-areas V, VI and XIV, and NAFO Subareas 1-3.

8. In accord with the recommendation from the 2002 NAFO Symposium on Elasmobranch Fisheries that “*the NAFO Scientific Council [be directed] to investigate the status and management needs of elasmobranchs in NAFO waters*”, the Scientific Council is requested to review all available information from both research vessel surveys and commercial catches on the stock structure, relative biomass, geographic distribution, life history, and size/age/sex composition of spiny dogfish (*Squalus acanthias*) occurring within the NAFO Regulatory Area. The Council is also requested to provide similar information on black dogfish (*Centroscyllium fabricii*) in the NRA and update the information on this species previously provided by the Scientific Council in 2001. For both species, the Council is requested to provide historical and recent information on catches and by-catches, and to identify those fisheries in which either of the two species are taken as bycatch.
9. In order to assist the Fisheries Commission in prioritizing the areas of ecological and biological significance and determining appropriate management measures to conserve vulnerable deep water habitats and sensitive areas, the following request is submitted to the Scientific Council:
  - I Regarding the conservation of vulnerable deep-water habitats, the NAFO Scientific Council is requested to:
    - a) Develop criteria for determining areas of marine ecological and biological significance, in particular areas associated with seamounts, hydrothermal vents, and cold-water corals in the NRA.
    - b) Provide information on the distribution of cold-water corals, hydrothermal vents, and seamounts in the NAFO Regulatory area. To the extent that information allows, differentiate among
      - i. Areas where there is information on which to evaluate the occurrence of corals;
      - ii. Areas where concentrations of corals (soft/hard) are known to occur; and
      - iii. Areas where concentrations of corals are unlikely to occur.
    - c) Recognizing the unique character and relatively easy identification of seamounts, develop a data collection protocol for any survey, exploratory, or commercial fishing activity on seamounts in the NRA, to enhance scientific council’s knowledge of these areas.
  - II With view to assisting the Scientific Council’s work, the Secretariat will be asked to provide information to Scientific Council on historic and recent fishing effort in areas identified in a), b) and c) in a summary fashion, based on VMS and observer data. This information should then be evaluated by Scientific Council to determine levels of fishing activity in these areas, and its potential impact on these areas.
14. Noting the desire of NAFO to apply ecosystem considerations in the conservation and management of fish stocks in the NAFO area, the Scientific Council is requested to provide the Fisheries Commission at its next annual meeting in 2006 with an overview of present knowledge related to role of seals in the marine ecosystem of the Northwest Atlantic and their impact on fish stocks in the NAFO area, taking into account the work of other relevant organizations, including ICES and NAMMCO.
11. The Fisheries Commission requests advice from the Scientific Council as to the utility of introducing a scientific observer programme run by NAFO and aimed at enhancing the collection of data on the status of stocks. In this respect, a scientific observer programme is understood as meaning that the observer be tasked only to collect data/information for stock assessment to be used by the Scientific Council. Scientific observers will not conduct any activity related to control/enforcement and compliance.
 

The Scientific Council is specifically asked to provide advice on the possible structure and coverage of such a programme. The Scientific Council should in this respect take into account the scientific observer programme which is being run by CCAMLR and assess if a similar system could be implemented in NAFO.
12. Taking into account that a reduction of mesh size in different type of trawls is an important element of harmonization of mesh size within and outside of 200-mile limit of the Canadian Zone in the target redfish fishery in Div. 3O, the Fisheries Commission requests the Scientific Council to evaluate possible biological consequences of a reduction of mesh size to 90-100 mm, such as:



- Impact on other stocks in the vicinity of redfish
- Merits of a minimum fish size
- Effect on size composition of redfish catches
- Catch efficiency of different size groups

and provide an advice on the appropriateness of mesh size reduction.

**Annex 14. Reform of NAFO**  
(GC W.P. 05/8, Rev. 2 **now** GC Doc. 05/2)

The General Council and Fisheries Commission of NAFO:

Noting the conclusions of the St. John's Conference in May 2005 (Annex 1) and the Fisheries Ministerial Meeting of COFI in March 2005 in Rome and other recent developments in ocean governance as outlined in GC Working Paper 05/1;

Anxious that NAFO, a regional fisheries organization (RFO) of long standing, should as a matter of priority address the concerns and issues contained in those recent political declarations;

Conscious that if these issues are to be addressed efficiently, consideration should be channeled through existing mechanisms within NAFO, where possible:

Decides on the following course of actions to address the reform of NAFO:

1. An ad hoc Working Group on NAFO Reform (WG Reform) shall be established to review and, where appropriate, develop recommendations to modify and/or complete the provisions of the NAFO Convention. A four-day WG session shall be hosted by Canada on April 25-28, 2006 under the Chairmanship of the European Union and Canada<sup>1</sup>. The WG's report and recommendations shall be submitted to the 2006 Annual Meeting for decision. One further meeting of the WG could be necessary in 2007, should that be required by the workload.

The Terms of Reference of the WG Reform shall be as follows:

- (i) Evaluate and recommend the changes to the NAFO Convention to reform the decision-making process as outlined in paragraphs 4A and B of the St. John's Declaration;
  - (ii) Examine the current structure of NAFO (constituent bodies and their subsidiary bodies) and recommend changes to streamline the structure and operation of the NAFO in order to make it a more effective RFO;
  - (iii) Deliberate on any other matter relating to the provisions of the Convention, as NAFO Members deem appropriate.
2. The Fisheries Commission directs STACTIC to devote its Intersessional Meeting in mid 2006 to review, in accordance with paragraphs 4 C and D of the St. John's Declaration, on the effectiveness of the existing NAFO monitoring, control and surveillance (MCS) regime to determine the changes needed to be introduced to strengthen such instruments and make them more effective and efficient, in terms of operation, results and costs. Most notably, but not limited to, STACTIC will review and provide recommendations on establishment of guidelines for sanctions, role of observers and follow-up on infringements.
  3. The Fisheries Commission will address at its Annual Meetings the issues outlined in paragraph 5 of the St. John's Declaration.

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<sup>1</sup> Chair: EU; Vice-Chair: Canada

## **Conference on the Governance of High Seas Fisheries and the UN Fish Agreement – Moving from Words to Action**

St. John's, Newfoundland and Labrador, Canada  
May 1-5, 2005

### **We, the Ministers at the St. John's Conference on the Governance of High Seas Fisheries and the UN Fish Agreement (UNFA):**

Recognizing the need to ensure the long-term conservation and sustainable use of fish stocks through the effective implementation of the obligations of States in this respect;

Acknowledging that the sustainable use of fish stocks is a significant and replenishable source of healthy food for large parts of the world's population, and that continued sustainable use provides for increased food security on a global basis;

Expressing concern that in many parts of the world certain fish stocks are overfished;

Expressing concern with the significant adverse impacts that such overfishing has had on the state of fisheries resources and their ecosystems, and on the economies of States and coastal communities around the world that depend on these resources for their livelihood;

Reiterating our commitment to responsible fisheries;

Recognizing that all States have the right for their nationals to engage in fishing on the high seas subject to their treaty obligations, to the rights, duties and interests of coastal States, inter alia in the conservation and management of straddling fish stocks and highly migratory fish stocks, to the duty of States to cooperate with each other in their conservation and management, as well as the duty of States to control the activities of vessels flying their flag, in accordance with UNCLOS<sup>1</sup> and UNFA<sup>2</sup>;

Recognizing the need for conservation and management measures for straddling fish stocks and highly migratory fish stocks adopted for the high seas and those adopted for areas under national jurisdiction to be compatible, and the obligation of States fishing on the high seas and coastal States to cooperate to this end;

Recognizing that sub-regional and regional fisheries management organizations and arrangements (RFMO/As) have played a significant role with regard to the governance of high seas fisheries and are the most effective means of cooperating in the conservation and management of high seas fish stocks and that good governance and management by these RFMO/As contribute to ensuring the effective long-term conservation and sustainable use of high seas fish stocks, including curbing overfishing;

Recognizing that RFMO/As today face new challenges and responsibilities, and while the governance of some RFMO/As has been improved by incorporating the principles and provisions of newly developed international instruments and tools, including, inter alia, those related to ecosystem considerations in fisheries management, other RFMO/As remain to be so improved and, to that end, there is a need for political will to further strengthen and modernize RFMO/As to ensure that such challenges and responsibilities are effectively addressed;

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[1]United Nations Convention on the Law of the Sea of 10 December 1982.

[2]Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995.

Reaffirming the importance of universal compliance with the existing international legal framework for the governance of high seas fisheries;

Acknowledging the need to ensure that there is a genuine link between flag States and their vessels and that the responsibilities deriving therefrom are fulfilled;

Reaffirming our commitment to the implementation of the relevant parts of Agenda 21 and to the Johannesburg Plan of Implementation agreed at the World Summit on Sustainable Development in 2002 in relation to achieving sustainable fisheries;

Commending the results of the March 2005 COFI Meeting, as well as the 2005 Rome Ministerial Declaration on Illegal, Unreported and Unregulated (IUU) fishing where the desire was expressed "to move from words to action through full implementation of various international instruments for sustainable fisheries adopted or enacted in the past decades";

Acknowledging the ongoing work of the High Seas Task Force in the area of IUU Fishing,

**We declare that we will move from words to the following actions:**

1. We urge all States that have not already done so, to become parties to UNCLOS, UNFA and the FAO Compliance Agreement<sup>3</sup>, and call on States and entities to effectively implement all provisions of these international agreements directly and within each RFMO/A of which they are a member.
2. Ministers representing States or Regional Economic Integration Organizations (REIOs) that are parties to UNFA commit to writing to Non-parties urging them to become party to UNFA at the earliest opportunity.
3. We will implement in a timely fashion the Johannesburg Plan of Implementation agreed at the World Summit on Sustainable Development in 2002 in relation to achieving sustainable fisheries
4. We will work within RFMO/As of which the State or REIO we respectively represent is a member, to review and strengthen them, where necessary, in a manner that does not overlap or duplicate the mandate of other existing RFMO/As, to:
  - A. Implement a decision-making process which:
    - i) relies on the best scientific information available;
    - ii) incorporates the precautionary approach;
    - iii) incorporates ecosystem considerations in fisheries management with due consideration to the work of relevant scientific bodies and initiatives;
    - iv) uses criteria for allocations which properly reflect the interests and needs of coastal States and developing States, including small island developing States, in whose areas of national jurisdiction the fish stocks also occur, as well as those of fishing States; and,
    - v) achieves compatibility between conservation and management measures established for the high seas and those established for areas under national jurisdiction;

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[3]Food and Agriculture Organization Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993.

B. Ensure that the decision-making processes of these RFMO/As support the conservation and sustainable use of fish stocks they manage by:

- i) strengthening or developing dispute settlement procedures to provide for the review of fisheries conservation and management decisions and of behavior following opting out of such decisions that may undermine conservation and management of the fish stocks concerned;
- ii) strengthening or developing procedures for the settlement of disputes in accordance with UNCLOS and UNFA;

C. Establish or strengthen the monitoring, control and surveillance (MCS) regimes of RFMO/As including as needed joint MCS systems, the dissemination of collected data as may be agreed and regular compliance review mechanisms, ensuring that the costs of MCS systems are shared in a fair and transparent manner;

D. Establish regional guidelines for States to use in establishing sanctions for non-compliance by their flag vessels and nationals that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits accruing from their illegal activities.

5. We agree that in order to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources:

- A. Where a RFMO/A has established a total allowable catch (TAC) and allocations, members should ensure that their fishing effort does not result in catches that exceed their fishing possibilities;
- B. Where a RFMO/A has established an overall TAC, but has not yet set allocations, members and the RFMO/A should monitor catches and fishing effort to ensure that the TAC is not exceeded;
- C. Where the scientific advice regarding an unregulated stock indicates that conservation and management measures are necessary, RFMO/A members should, as a matter of priority, agree on appropriate measures and, in the interim, exercise restraint with regard to their fishing effort for that stock in accordance with the precautionary approach;
- D. States, REIOs and entities, individually and through RFMO/As of which they are a member, should cap and then reduce excess fishing capacity to be commensurate with the status of fish stocks;
- E. States, REIOs and entities should avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to those areas where fish stocks are overexploited or in a depleted condition.

6. We will work together, including within RFMO/As of which the State or REIO we respectively represent is a member, to implement measures to further mitigate by-catch, particularly of vulnerable non-target marine species such as seabirds as well as sea turtles and to adopt measures to conserve and manage shark stocks in directed and non-directed fisheries and to minimize waste and discards, in accordance with the FAO Guidelines and International Plans of Action for these species.

7. We will work together, including within RFMO/As of which the State or REIO we respectively represent is a member, to ensure that States that fish on the high seas do not engage in unsustainable fishing practices, including those that adversely affect coastal developing States.

8. We call upon States to cooperate in establishing new RFMO/As or arrangements, where necessary, with sufficiently comprehensive mandates, to facilitate cooperation in respect of fish stocks or areas of the high seas not currently managed by any RFMO/As taking due account of the commitments made in this Declaration.

9. We call upon all States and entities fishing in areas of competence of RFMO/As but that are not a member of those RFMO/As to immediately join or agree to apply the conservation and management measures established by such RFMO/As in accordance with UNCLOS and UNFA. Efforts need also be made to allow developing States to achieve legitimate development goals pertaining to poverty alleviation and improvement of the lives of fishermen.

10. We recognize that States, REIOs or entities that are neither members of RFMO/As nor have agreed to apply their conservation and management measures shall not have access to the fisheries resources to which those measures apply and any catches of such fishery resources should be denied market access in accordance with international law.

11. We urge all States Parties and other States to work together to prepare for the UNFA Review Conference to be held in May 2006 in accordance with Article 36 of the Agreement, which will inter alia assess the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, including but not limited to the functions of RFMO/As as defined in Article 10 of UNFA.

12. We will follow up on commitments made at the FAO 2005 Rome Ministerial Declaration on IUU Fishing and will work within RFMO/As to establish or strengthen measures to prevent, deter and eliminate IUU fishing and other fishing activities by States, REIOs or entities that undermine the effectiveness of the conservation and management measures of the RFMO/As.

13. We will work to address possible gaps which may include those related to:

- A. the sustainable management of discrete high seas fisheries (including deep sea fisheries),
- B. the conservation and sustainable use of marine biodiversity and sensitive marine ecosystems,
- C. defining the genuine link between flag states and the fishing vessels flying their flag,
- D. the obligations of port States and the development and implementation of stronger port state measures in accordance with international law,

and that further steps should be taken in this direction.

14. We recognize the need to assist developing States in implementing relevant agreements, instruments and tools for the conservation and management of fish stocks, including through existing funds such as the UNFA Part VII Developing States Fund.

15. We will actively seek the cooperation of other States to join us in achieving our objectives set out in this Declaration.

16. We agree that officials identify practical ways to move forward on the commitments of Ministers as set out in this Declaration.