

Northwest Atlantic Fisheries Organization (NAFO)



Meeting Proceedings of the General Council and Fisheries Commission for 2005/2006

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Foreword

This issue of the Proceedings contains the reports of all meetings of the General Council and Fisheries Commission including their subsidiary bodies held in the twelve months preceding the Annual Meeting in September 2006 (between 1 September 2005 and 31 August 2006). This follows a NAFO cycle of meetings starting with an Annual Meeting rather than by calendar year.

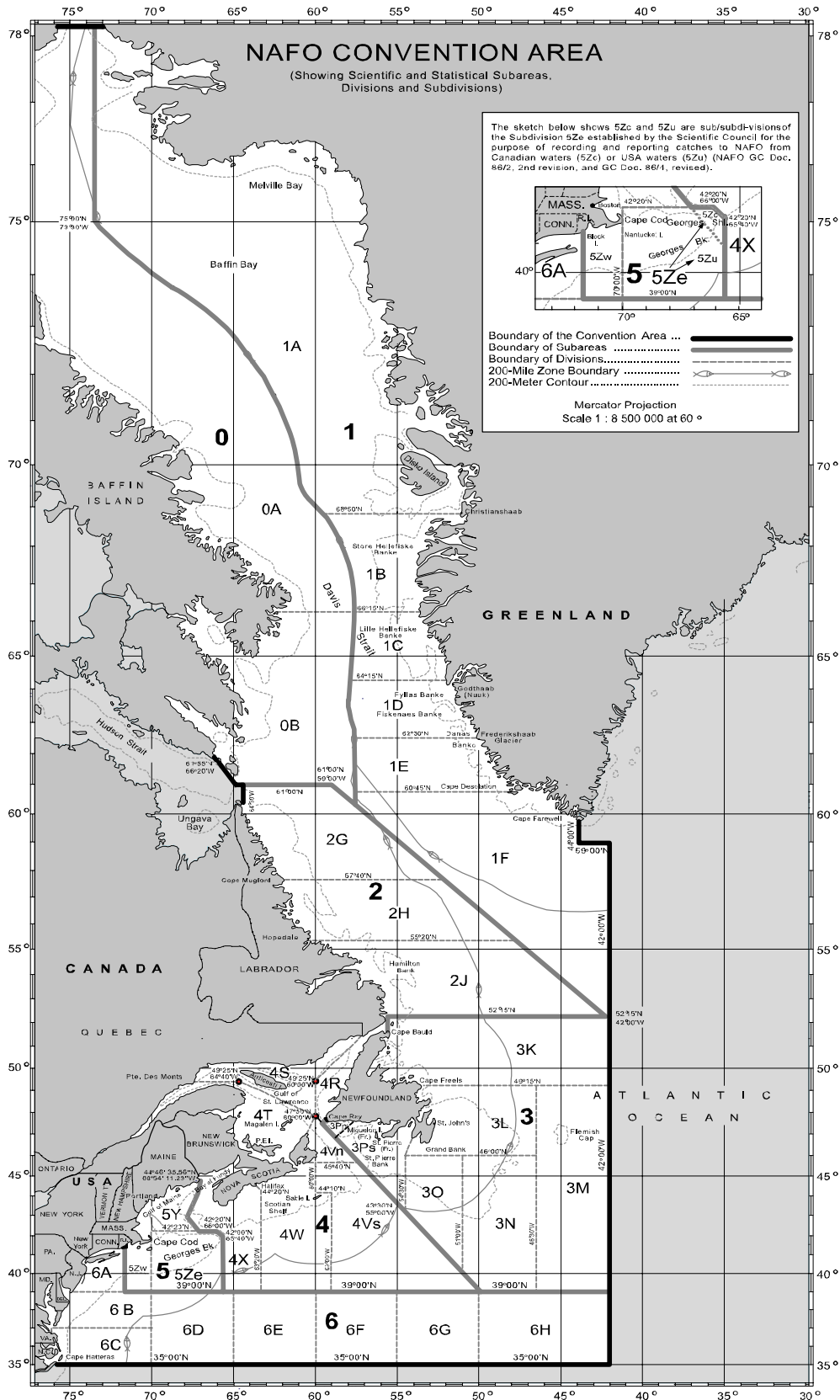
This present 2005/2006 issue is comprised of the following sections:

SECTION I contains the Report of the General Council including subsidiary bodies reports (STACFAD and STACFAC), 27th Annual Meeting, 19-23 September 2005, Tallinn, Estonia.

SECTION II contains the Report of the Fisheries Commission including subsidiary body (STACTIC), 27th Annual Meeting, 19-23 September 2005, Tallinn, Estonia.

SECTION III contains the Report of the Working Group on Reform of NAFO, 25-28 April 2006, Montreal, Quebec, Canada.

SECTION IV contains the Report of the Standing Committee on International Control (STACTIC), 12-15 June 2006, Copenhagen, Denmark.



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Structure of the Northwest Atlantic Fisheries Organization (NAFO)
(as at 15 July 2006)

Contracting Parties

Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and United States of America (USA).

President

D. Bevan (Canada)

Constituent Bodies

General Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – D. Bevan (Canada) <i>Vice-Chair</i> – T. Lobach (Norway)
Scientific Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – A. Vazquez (EU-Spain) <i>Vice-Chair</i> – K. Gorchinsky (Russia)
Fisheries Commission	Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – V. Shibanov (Russia) <i>Vice-Chair</i> – K. Arnason (Iceland)

Standing Committees

General Council	Standing Committee on Finance and Administration (STACFAD)	<i>Chair</i> – G. F. Kingston (EU) <i>Vice-Chair</i> – F. Schmidt (DFG)
	Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)	<i>Chair</i> – Vacant <i>Vice-Chair</i> – G. Martin (USA)
Scientific Council	Standing Committee on Fishery Science (STACFIS)	<i>Chair</i> – D. Power (Canada)
	Standing Committee on Research and Coordination (STACREC)	<i>Chair</i> – K. Gorchinsky (Russia)
	Standing Committee on Publications (STACPUB)	<i>Chair</i> – M. Stein (EU-Germany)
	Standing Committee on Fisheries Environment (STACFEN)	<i>Chair</i> – E. Colbourne (Canada)

Fisheries
Commission
Commission

Standing Committee on
International Control (STACTIC)
International Control (STACTIC)

Chair– M. Nedergaard (Denmark in
respect of Faroe Islands & Greeland)
Vice-Chair – Vacant

Secretariat

Executive Secretary
Fisheries Commission Coordinator
Scientific Council Coordinator
Senior Finance Officer & Staff Administrator
Personal Assistant to the Executive Secretary
Senior Publication Manager
Senior Publication Manager
Office Manager
Information Manager
Fisheries Information Manager

Johanne Fischer
Ricardo Federizon
Anthony Thompson
Stan Goodick
Bev McLoon
Ferne Perry
Barry Crawford
Dorothy Auby
Barb Marshall
Cindy Kerr

Headquarters Location

2 Morris Drive, Dartmouth, Nova Scotia, Canada

SECTION I
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(STACFAD and STACFAC), 27th Annual Meeting
19-23 September 2005
Tallinn, Estonia**

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PART I

Report of the General Council Meeting (GC Doc. 05/4)

27th Annual Meeting, September 19-23, 2005
Tallinn, Estonia

I. Opening of the Meeting (items 1-7 of the Agenda)

1. Opening by Chair

The Meeting was opened by the Chair of the General Council, David Bevan (Canada).

The Representatives of eleven (11) Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland-DFG), the European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and the United States of America (Annex 1). Bulgaria and Cuba were unable to attend.

The Chair welcomed delegates to the 27th annual meeting of NAFO (Annex 2). He noted that NAFO faces significant challenges and that the organization had never before been submitted to so much scrutiny. During this meeting NAFO would consider an ecosystem-based approach to fisheries management. In addition, the call for evaluation of fisheries bodies would require that NAFO takes a look into its own operations.

The Heads of Delegations from Canada, European Union, Republic of Korea, United States of America, Denmark (in respect of the Faroe Islands and Greenland-DFG), Russia, Ukraine, Japan, Iceland, and France (in respect of St. Pierre et Miquelon) addressed their opening statements to the assembly (Annexes 3-11).

2. Appointment of Rapporteur

The Executive Secretary of NAFO, Johanne Fischer, was appointed as Rapporteur whose duties included maintaining a record of decisions agreed upon by the General Council (Annex 12).

3. Adoption of Agenda

The adopted Agenda is attached in Annex 13.

4. Admission of Observers

The Executive Secretary reported that invitations has been transmitted to the 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) and North Pacific Anadromous Fish Commission (NPAFC). In response to these invitations, FAO was represented by Mr. Hiromoto Watanabe (Fishery Liaison Officer, Fishery Policy and Planning Division), ICCAT by Mr. Driss Meski (Executive Secretary), and NAMMCO by Ms. Gudridur Kristjansdottir (Icelandic Delegate). No applications of NGO's have been received at the NAFO Secretariat pursuant to Rule 9 of the Rules of Procedure.

The representatives of FAO, ICCAT, and NAMMCO delivered a statement to the General Council (Annex 14 and 15).

5. Publicity

Participants agreed that no statements should be made to the media until after the conclusion of the meeting, when the NAFO Secretariat would issue a Press Release (Annex 16). The NAFO Media Policy adopted last year (GC Doc 04/4) foresees that the opening and closing sessions of NAFO bodies are public as well as

additional sessions designated by participants at the meeting. For this meeting participants agreed that the joint FC/GC/SC Ecosystem Approach Session be open for media attendance.

6. Guidance to STACFAD necessary for them to complete their work

No items were deferred to STACFAD apart from the “Administrative Report” under agenda item 13.

7. Guidance to STACFAC necessary for them to complete their work

Canada suggested that STACFAC discuss NCP vessels that were recently sighted in the NRA.

II. New Initiatives (items 8 – 11)

8. FC/GC/SC Joint Session (chaired by FC): Discussion of the Ecosystem Approach to Fisheries Management

Dr. Gabriella Bianchi from FAO introduced the concept of the Ecosystem Approach to Fisheries Management (EAF). The PowerPoint presentation was well received and many delegates thanked Dr. Bianchi for her excellent presentation. It was pointed out that ecosystem considerations also play a role in the proposals discussed under agenda items 10 and 11 in this Session. Further information on the discussion of the EAF can be found in the Fisheries Commission Report under agenda item 8.

9. Report by Canada on the St. John’s Conference on the Governance of High Seas Fisheries and the UN Fish Agreement – Moving from Words to Action

Canada introduced this item. The St. John’s Conference (1-5 May 2005; http://www.dfo-mpo.gc.ca/fgc-cgp/conf_report_e.htm) called for actions to change the governance regimes for high seas fisheries. A Round Table of 19 invited Ministers culminated in the release of a Ministerial Declaration (Annex 17) that urged all States to ratify international agreements, such as the United Nations Fish Agreement, and to modernize the regional organizations used to manage high seas fisheries. Specifically, it urged these organizations to provide a mechanism to address disputes, improve decision-making, use the precautionary and ecosystem approach, and strengthen the monitoring, control and surveillance mechanisms. Contracting Parties thanked Canada for the initiative it took organizing this conference. It was remarked that many regional fisheries organizations often are different with regards to their regimes and their approaches but that it would be desirable that Parties should strive for coherency in their position taken in the organizations in which they are members. It was also mentioned that the St. John’s Conference had provided a good context for the 2005 North Atlantic Fisheries Ministers' Conference.

10. The NAFO Convention in the context of recent developments concerning ocean governance

Norway introduced GC Working Paper 05/1 (Annex 18) suggesting that NAFO should examine its Convention to determine whether there is a need for change in view of new conservation approaches and the ongoing modernization of RFMOs. Norway compared NAFO’s Convention with that of a number of other fishery bodies (CCAMLR, SEAFO, SIOFA and NEAFC) that could serve as references for an evaluation of the NAFO Convention. In conclusion, Norway believed that an amendment to the NAFO Convention might be desirable to take into account the new developments. Contracting Parties commended Norway for this interesting comparative approach. It was noted that this agenda item was linked with the other agenda items under section II which all related to the interest of a reform of NAFO.

11. Modernization of RFMOs – Proposal for NAFO

Canada introduced GC Working Paper 05/5 (Annex 19) that outlines proposed changes to the governance of NAFO inspired by the Ministerial Declaration of the St. John’s Conference. These include changes to the decision-making process including dispute settlement procedures, implementation of the Precautionary and Ecosystem approaches, capacity management, and strengthening Monitoring, Control and Surveillance (MCS) systems to address Illegal, Unregulated and Unreported (IUU) fishing.

In the subsequent debate, Parties expressed support for the initiative to reform NAFO. Issues referred to in this context for discussion included the need to strengthen the decision-making process, developing a more

integrated oceans management policy, developing dispute settlement procedures, streamline the structure of the organization, enhanced sharing of benefits, responsibilities as well as various issues relating to management of stocks and control, enforcement and follow up to violations.

The EU and Canada subsequently tabled a joint proposal on NAFO Reform.

This proposal was adopted (Annex 17).

III. Supervision and Coordination of Organizational, Administrative and Other Internal Affairs (items 12-17)

12. Review of Membership

Thirteen (13) Contracting Parties are currently members of the General Council and Scientific Council. Twelve contracting Parties are also members of the Fisheries Commission (those members participating in the fishery in the NAFO Regulatory Area). Bulgaria did not participate in any NAFO fishery and is therefore not a member of the Fisheries Commission.

13. Administrative Report

Discussion of the Administrative Report was referred to STACFAD. At the closing session, on the advice of the Chair of STACFAD, the Report was adopted by the General Council.

14. Enhancement of Public Relations

The Executive Secretary introduced the newly designed public NAFO WebPages, pointing out that they represent an important tool for public relations and asked participants to provide feedback.

15. NAFO Journal

The Executive Secretary announced that the NAFO Journal website is accessible at <http://journal.nafo.int> and invited NAFO Members to view the Journal and give feedback to the Secretariat.

16. Consideration of the Renewal of the Executive Secretary

It was decided that the contract of the present Executive Secretary will be extended for another term of four years starting 2007. Negotiations regarding the new contract will take place over the next year.

17. Consideration of Staff Rule 4.1 – Maximum Renewal of Terms of the Executive Secretary

This matter was deferred to the 2006 Annual Meeting.

IV. Coordination of External Affairs

18. Report of Executive Secretary on miscellaneous meetings of: FIRMS, CWP, COFI, RFB, and NARFMO (North Atlantic Regional Fisheries Management Organizations)

The Executive Secretary briefly reported on these meetings pointing out some of the highlights. The full meeting reports are accessible through the NAFO WebPages ([link](#)).

- **FIRMS** (Fishery Resources Monitoring System) **Steering Committee Meeting.** To date, FIRMS still only exists in a draft version that is being finalized with input from all partners by FAO. Technical details of the version presented to the meeting as well as a draft FIRMS website were discussed.
- **Coordinating Working Party on Fishery Statistics.** CWP reviewed the recommendations from the FAO Expert Consultation on Data Formats and Procedures for Monitoring, Control and Surveillance including their suggestion to adopt the North Atlantic Format (NAF) for developing international standards for VMS position and catch reporting. In response, CWP established a working group coordinated by NAFO to propose possible amendments to the present NAF that would ensure its usefulness for assessment and scientific purposes. Hans Lassen was elected as chairperson and Johanne Fischer as vice-chairperson for the next session.

Immediately prior to the CWP Meeting a 2-day **Workshop on The Role of Regional Fishery Bodies in the Implementation of the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries** (RFB–STF Workshop) took place resulting in a number of recommendations to promote the STF-Strategy including transparent and complete national data collection of fisheries

- **Committee on Fisheries (COFI).** The Committee reviewed issues of an international character and the programme of work of the FAO Fisheries Department in fisheries and aquaculture. Topics of interest to NAFO included the ecosystem approach to fisheries, the International MCS Network, deepwater demersal fisheries (with recognition of the need to improve data collection on deep sea fish), and a review of the performance of RFMOs in meeting their objectives and the obligations and principles set forth in relevant international instruments.
- **Regional Fishery Bodies Meeting.** The meeting agreed to change its name to “RFB Secretariats Network” to better reflect its informal scope and nature. Subject matters discussed included the role of regional fishery bodies, external factors affecting fisheries management, harmonization of catch documentation, relations between RFBs and the United Nations Environment Programme (UNEP), the status of FIRMS, the MCS Network, a Vessel Detection System (VDS), and the ecosystem approach to fisheries management (EAF). The meeting also discussed the importance that RFBs raise their profiles in terms of education or information dissemination. Regarding IUU Fishing, the Meeting agreed that the Rome Ministerial Declaration on IUU Fishing should be brought to the attention of all RFBs’ members (<http://www.fao.org/docrep/meeting/009/j5030e.htm>).
- **Secretariats of the North Atlantic Regional Fisheries Management Organizations (NARFMOs).** The group met for about 2 hours and briefly exchanged views on a number of issues including practical cooperation on IUU fishing, usefulness of VMS, status of EAF in NARFMOs, cooperation with ICES, the recently adopted dispute settlement procedures by NEAFC, and the new NAFO media policy.

V. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (items 19-21)

19. Consideration of Non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting.

This issue was dealt with under agenda item 7.

20. Report of STACFAC at the Annual Meeting and decisions on actions

The Chair of STACFAC, Nadia Bouffard (Canada), presented the report at the Annual Meeting. With regard to NCP vessels in the Regulatory Area, she noted that as a result of NAFO demarches seven vessels previously sighted in the NAFO RA were deflagged by Dominica. She also reported that STACFAC is now compiling NCP-IUU activities in a tabular format and the information will be automatically shared with other regional fishery bodies and FAO. STACFAC also continued the discussion on the proposal for a new Scheme to Promote Compliance by Non-Contracting Party Vessels. STACFAC recommended that:

- a letter signed by the President of NAFO with a table listing information on NCP vessels sighted in the NRA be provided to RFMOs on an annual basis as appropriate;
- a letter signed by the President of NAFO be provided to RFMOs with the table listing information on the seven NCP vessels sighted in 2005 in the NRA;
- a letter signed by the President of NAFO be sent to Dominica enquiring about steps taken before deregistration;
- the General Council review bracketed text in Articles 7.2(d), 10 (3) and 11 on the proposal for a new NCP Scheme;
- Norway’s proposal on a joint scheme between NAFO and NEAFC be moved up on the agenda next year.

Delegates adopted all recommendations by STACFAC.

Regarding modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels, the EU proposed to adopt those measures on which the group could agree, including an IUU list and to discuss issues related to trade sanctions at future meetings. Other Contracting Parties agreed and STACFAC WP 05/4 (rev.) was adopted (Annex 20).

21. Dispute Settlement Procedures

The General Council Chair invited views of CPs on how best to continue the work on the Dispute Settlement Procedures. The EU proposed to include this subject matter in the discussions of the Working Group for the modernization of NAFO. This was accepted by other Contracting Parties.

VI. Finance (items 22-23)

22. Report of STACFAD at the Annual Meeting

The Chair of STACFAD, Fred Kingston (EU), went briefly through the recommendations of this Committee to the General Council:

- STACFAD recommended that the 2004 Auditor's Report be adopted.
- STACFAD recommended that Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.
- STACFAD recommended that outstanding contribution from Bulgaria (\$31,175.31) be deemed uncollectible and that this amount be applied against the accumulated surplus.
- STACFAD recommended that the minimum balance in the Accumulated Surplus Account remain at \$125,000. STACFAD also recommended that the Secretariat bill Contracting Parties in two instalments to encourage part of the contributions to be paid earlier and thus enable the Secretariat to have sufficient cash flow to operate in early 2006.
- STACFAD recommended that the proposal for new salary categories as identified in STACFAD Working Paper 05/9 be approved along with budget provisions for employment insurance and overtime.
- STACFAD recommended the adoption of STACFAD WP 05/1 Revised.
- STACFAD recommended that General Council appoint the three nominees for the Staff Committee (Judy Dwyer, Fred Kingston, Joanne Morgan).
- STACFAD recommended that General Council adopt the specific goals drafted by STACFAD for evaluating the eligibility of the Executive Secretary for a performance bonus in 2006.
- STACFAD recommended that (a) Contracting Parties be urged to submit their reports in English; (b) that the electronic form be developed quickly; and (c) that the Secretariat receive the necessary funds to translate and digitize the current and past fishery reports submitted by Contracting Parties.
- STACFAD endorsed that the Secretariat pursue a re-tendering of the VMS service provider with the understanding that the technical specifications given in the call for tender are adequate for the NAFO VMS database.
- STACFAD recommended that the budget for 2006 of \$ 1,519,000 be adopted.
- The dates for the 2007-2008 Annual Meeting be as follows with the location in Halifax, unless an invitation to host is extended by a Contracting Party and accepted by the Organization:

2007	Scientific Council	-	24 September – 3 October
	General Council	-	24-28 September
	Fisheries Commission	-	24-28 September
2008	Scientific Council	-	22-26 September
	General Council	-	22-26 September
	Fisheries Commission	-	22-26 September

23. Adoption of Budget and STACFAD Recommendations for 2006

Several Delegates expressed deep concern about missing or delayed contributions to the Organization. The USA explained that it has to set priorities regarding its international obligations and that unfortunately, in view of the inability of the USA to achieve an adequate share of fishing opportunities in the NAFO fisheries, NAFO has to take a back seat when USA funds for international commitments are allocated. The Representative of Korea stated that their outstanding contributions would be paid as early as possible and also reiterated their concern regarding the level of contributions versus quota allocated to Korea.

The proposed budget for 2006 was accepted.

All other recommendations of STACFAD were adopted without further discussion.

VII. Closing Procedures (items 24-28)**24. Election of Chair and Vice-Chair**

The present Chair, David Bevan (Canada), and Vice-Chair (Terje Lobach) were re-elected for another term of two years.

25. Time and Place of the Next Annual Meeting

The 28th Annual Meeting will be held in Halifax, Nova Scotia, Canada, at the following dates:

Scientific Council	-	13-22 September 2006
General Council	-	18-22 September 2006
Fisheries Commission	-	18-22 September 2006

26. Other Business

The Secretariat asked Contracting Parties to consider a request by the High Seas Task Force to submit vessel information. Several Contracting Parties expressed concern to release information that is confidential. It was agreed that the Secretariat seek consent by individual Contracting Parties to submit their vessel information to the HSTF.

27. Press Release

The Executive Secretary drafted a Press Release that reflects the changes by the NAFO President and interested Contracting Parties (Annex 16).

28. Adjournment

The meeting adjourned at 11:00, September 23, 2005.

Annex 1. List of Participants

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Annex 2. Opening Statement by the Chair of General Council, David Bevan (Canada)

Distinguished delegates, ladies and gentlemen,

It is an honour and a pleasure for me to serve as your Chair at this year's NAFO annual meeting.

We have been delighted in our exploration of some of the older parts of the historic city of Tallinn. I hope all delegates will take the opportunity during this week to take in the sights and experience the wonderful hospitality.

I wish to thank the Estonian authorities for the excellent arrangements in hosting this meeting.

As we begin today, I want to reflect on the importance of the work that this Organization undertakes.

The last quarter century has presented significant challenges to NAFO. We have had difficult times – in particular, dealing with collapsing groundfish stocks and the harsh reality of continuing moratoria.

Despite the moratoria we have established, many stocks continue to be at historically low levels. Progress to stock rebuilding has been fragile at best. Achieving stock recovery depends on political will, the actions taken at NAFO to adopt the right conservation measures, and ensuring that these measures are implemented and adhered to by fishermen.

NAFO has always recognized the need to invest in improved conservation, the need for strong science, and a focus on stock rebuilding. We have made some progress over the years and we can all take credit for what has been done.

NAFO has also recognized that there are larger threats to fish stocks in terms of the need to protect ocean habitat and deep-sea biodiversity. NAFO's agreement to address the Ecosystem Approach to Fisheries Management in a joint FC/GC/SC session at this meeting reflects the seriousness and urgency with which this matter is seen.

How we manage human activities that impact particularly sensitive benthic areas such as seamounts and cold-water corals will be reflected in the sustainability of fish stocks depending on these unique and vulnerable habitats.

The FAO has told us that over 70% of the world's fish stocks are fully or over exploited. World demand for protein, overcapacity in the fishing industry and economic forces are exerting substantial pressures on many fragile ecosystems. As fisheries managers, we have a responsibility to work on the better use of marine resources. The Grand Banks and the Flemish Cap are a very important and rich marine ecosystem that we have to use in a measured way.

Momentum has been building in the international community for the need to modernize regional organizations that manage fisheries on the high seas. As participants to the debates, we will have heard the political desire expressed by many politicians in members of NAFO at the last FAO meeting, at the St. John's Conference and the North Atlantic Fisheries Ministers Conference, expressing the need for change and action. NAFO is the first of such organizations to meet after this mandate has been given. The eyes of our leaders and the public are on us and expect us to act.

To maintain our credibility as a world leading organization, NAFO needs to review and renew itself.

As all regional fisheries management organizations, NAFO will need to strengthen its management and governance structure to manage the ocean resources of the NAFO Regulatory Area in a sustainable and profitable way. I am confident that NAFO will demonstrate to the international community its continued relevance in undertaking these responsibilities.

NAFO members will need to continue their close cooperation and collaboration to achieve our shared objectives of stock recovery, conservation and sustainable development for present and future generations. They are imperative given the interdependent reality of our world.

I am hopeful that NAFO will respond to and meet these significant challenges.

I would also like to thank the Executive Secretary and NAFO Secretariat for their professionalism in undertaking the arrangements for this meeting.

Before closing, I wish to advise you that in the interests of having a more effective meeting with greater transparency of decision-making, the Chairs of the NAFO bodies will seek to adhere to a more rigorous schedule this week. We will aim to avoid a late night session on Thursday evening. The cooperation of all NAFO bodies and delegates will help to achieve this goal.

Thank you. I would now like to open the floor for opening statements.

Annex 3. Opening Statement by the Representative of Canada (Guy Beaupré)

Mr. Chairman, distinguished Representatives, Ladies and Gentlemen,

It is a pleasure for Canada to participate at this twenty-seventh annual meeting of NAFO in Tallinn and I wish to thank the Estonian authorities for hosting it.

Mr. Chairman, last May, Canada hosted an international conference in St. John's, Newfoundland and Labrador. The conference brought many fishing nations together to discuss international fisheries and oceans governance and to identify steps to better protect fish stocks. The Conference ended with a clear expression of a shared commitment to take action in this important area.

Nineteen Ministers adopted a Declaration which sets out a strategic direction and provides a meaningful framework for renewing and modernizing fisheries governance regimes – and in particular within Regional Fisheries Management Organizations.

Ministers of seven NAFO parties (Canada, EU, U.S., Japan, Iceland, Norway and Faroe Islands) have agreed to move forward in tangible ways on modernizing RFMOs and they will be expecting results from us. This meeting is a timely opportunity to engage on a process of reform.

Mr. Chairman, NAFO has a duty and responsibility to ensure the sustainability of resources and, therefore, must also have the necessary instruments to fulfil its mandate.

Notwithstanding the many improvements in NAFO over the years, it must be recognized that NAFO pre-dates many of the important instruments that have been developed over the past decade to improve international fisheries governance, including the United Nations Fish Stocks Agreement. To bring this organization into the 21st Century, we need to implement these instruments within NAFO governance.

We need to move forward now on incorporating the precautionary approach, ecosystem management, improved decision-making, and improved monitoring, controls, and surveillance systems.

Canada has submitted a discussion paper which provides a rationale for reviewing and strengthening the organization, outlines possible directions for reform and suggests means to launch the process.

We look forward to General Council's discussions on this issue.

Mr. Chairman, a key element of this meeting will be to discuss the ongoing threats to specific fish stocks and their ecosystems and how to remedy their continuing decline.

As we will hear later, 2004 saw a major setback in recovery of the Greenland Halibut stocks. Catches in 2004 were 27% higher than the TAC of 20,000t. The stock was at its lowest observed biomass level and was fished at unsustainable levels. If this continues, the rebuilding plan is unachievable.

NAFO cannot be seen as presiding over the demise of one of the last remaining major groundfish stocks under its jurisdiction.

We all know that the biological limits of the world's oceans are being strained under an unprecedented combination of human activities and environmental changes.

Flag States must hold their fishing industries accountable to the decisions we make as an organization. Only by doing so will fish stocks rebuild to levels that provide sustainable fisheries for all Contracting Parties.

Overcapacity is an issue in fisheries all over the world and NAFO is no exception. Overcapacity is directly linked to access and allocation. It is a challenge for all countries but we cannot continue to look to the resource or access to another country's allocations to solve this overcapacity problem.

What we need at this time is agreement on how to move forward on strengthening NAFO from various perspectives, in order to achieve our common objective.

Canada, Mr. Chairman, as well as other NAFO countries, expect strong action to protect and rebuild stocks.

We look forward to working with all of you in this regard.

Thank you.

Annex 4. Opening Statement by the Representative of the European Union (John Spencer)

Distinguished Delegates, Ladies and Gentlemen

It is a great pleasure for me and my delegation to welcome you all to the beautiful city of Tallinn for the 2005 Annual Meeting of NAFO. We are particularly grateful to the Estonian authorities for the excellent arrangements provided for this meeting. I think that our presence here in Tallin very well demonstrates the continued presence in NAFO of the interests of Estonia and other Member States, which formally were Members of NAFO, but now are part of the EU family.

Some of you might recall that when I addressed this Commission in my opening statement last year, I referred to various initiatives by interest groups to discredit the activities and decisions of NAFO. Another year has now gone by and it is disappointing to note that such initiatives seem to continue, ignoring the positive and constructive management decisions which this organisation adopted in recent years.

We have noted the release of a report from a Canadian Federal Commission which is very critical of NAFO and seeks its disbandment essentially. This report may reflect the views of certain interest groups in Canada which have traditionally blamed non Canadian fishing vessels for all the woes affecting the stocks. They ignore the reality that such vessels have access to less than 10 % of the fishing grounds on the Grand Banks. Equally, they ignore their own contribution to the destruction of key straddling stocks in this Area.

It is not surprising that this Canadian report should focus on past failings of NAFO. NAFO has certainly made errors of judgement in its past management. Critics however ignore more recent management decisions which go in the right direction, such as, the adoption of a rebuilding plan for Greenland halibut, management measures for previously unregulated stocks, and the adoption of a precautionary approach framework.

This year, we have also noted an increased interest in NAFO from NGOs. Greenpeace, for example, has recently published a case study about NAFO. The involvement of Greenpeace in the NAFO debate is something that we welcome, since we consider that NGOs have an important role to play in our deliberations on fisheries management issues. We actively supported guidelines for NGOs to apply for observer status at NAFO meetings. We note however that Greenpeace or other NGOs have regrettably not applied for observer status. If they had they could have come and presented their views during this weeks meeting.

I consider that this general debate on performance is healthy and should be pursued within NAFO. Clearly, NAFO has been in existence for a number of decades, which is not to consider that NAFO has not evolved in that time. The recent compliance assessment is but one example. The issue of reform of NAFO has been raised – we are certainly in favour of this process since it means a positive move to promote more effective multilateral cooperation between Parties.

We have been told that several NAFO Parties are in favour of a reform process. However, it seems that NAFO Parties up until now have very different visions as to what is being meant by a NAFO reform. One vision seems to see such a reform as essentially an opportunity to re-discuss matters which often have been subject of inconclusive and lengthy debates in the past. Another vision is that this as an opportunity for a performance assessment of NAFO in line with what was discussed on RFOs at the recent COFI meeting, whilst a third vision is more focused on the NAFO Convention and the need for an integrated oceans policy.

Be it as it may, it is in our view crucial that one has a clear vision on what the shortcomings might be and how such shortcomings can be addressed before we enter into such an exercise. We must have obviously a clear view on what legal instruments we might want to revise, which I the discussions should take place in, and how this discussion fits into the current structure of NAFO and mandates of existing NAFO bodies. In any case, I think that you will all agree with me that it would be most unfortunate and unproductive if the reform debate becomes nothing else than a repetition of inconclusive debates in the past. I could cite the lengthy debates on dispute settlement procedures which dragged on over years even though all but one party agreed on a text.

Mr Chairman, before closing let me just make some brief comments on fisheries management issues being before us this week. Given the poor state of several key stocks and that several other stocks are subject to multi-annual measures, we do not envisage many changes on these issues. We will however renew our firm commitment to the rebuilding plan for Greenland halibut, which is a very important stock for EC fishermen and on which our fleet has had to make the major sacrifices and adjustments. Also, we acknowledge the need for a detailed discussion of

management measures for 3L shrimp, which seem to be in a healthy state following the recommendation to substantially increase the TAC level.

My Delegation is in any case looking forward to working with you all on this and other important matters during the meeting.

Annex 5. Opening Statement by the Representative of the Republic of Korea
(Chiguk Ahn)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a great honor and pleasure for me to be here with you in the 27th Annual Meeting of NAFO. I'm extremely glad to be in Tallinn, the city of beauty, and I would like to thank the Estonian Government for hosting this meeting.

As you are well aware, Korea's prime concern within NAFO is to gain a profitable fishing quota for, at least, just one vessel. NAFO waters were the important fishing ground for Korean fishermen before Korea's acceding to the Convention in 1993. However, Korea could not have but suspended fishing activities since 1994, because of the small amount of fishing quota with which even one vessel cannot harvest.

Members of an organization should share the responsibility and benefits. However, Korea, as a member of NAFO, has only responsibility without benefit over 12 years. When this situation continues, my government will lose the justifiable reason for the continuous participation in NAFO.

I think that 12 years of no fishing in the Convention Area is the strongest action to preserve and restore fishery resources. I believe that this contribution should be duly reflected in the process of fishing quota allocation in the near future.

For the important agenda items of this meeting, my delegation will fully cooperate with other delegations during the course of meetings so that we can produce tangible results.

Thank you very much.

Annex 6. Opening Statement by the Representative of the United States of America
(Jack Dunnigan)

Mr. Chairman, and colleagues among the member delegations:

On behalf of the United States let me say how pleased we are to be in this beautiful capital city in Estonia. We have had the pleasure over the past few days of learning to appreciate the beauty, history and culture of this unique place, recognized by UNESCO and people everywhere as a world heritage site. One also can appreciate the resiliency of a people who have been at the crossroads for centuries, buffeted by a succession of outside interests, and now regaining once again the privileges of searching for and pursuing their own vision of their future. And the people of Tallinn have proven to be wonderfully warm and welcoming. We appreciate the European Union for hosting this meeting in this fine location, and to our colleagues and friends from Estonia for opening their doors.

We look forward to a series of interesting discussions this week. We particularly are interested in the agenda item relating to ecosystems approaches to management. We have spent a lot of time in the U.S. pursuing these ideas and hope to be able to contribute to the discussion. Concepts of ecosystems approaches to fisheries management are consistent with issues that the United States has been interested in in the NAFO context for quite some time, such as protection for bycatch species and the application of the precautionary approach. In this regard, the United States hopes to work with other parties this week to continue to address conservation of sensitive elasmobranch species, by joining other RMFO's in prohibiting the practice of shark finning.

We are also interested in the views of the contracting parties relative to modernizing the operations of NAFO. In this regard, NAFO may be able to develop experience that will be useful to all regional fisheries management organizations. It is becoming increasingly clear that NAFO is being looked at carefully. Although NAFO has been a leader in issues of science and moving forward in some areas, this organization's record of conservation and rebuilding stocks leaves much to be desired. In recent years, its record of treating all contracting parties fairly in allocation decisions has been similarly lacking. The UN Fish Stocks Agreement encourages states to participate in regional fisheries management organizations. It is against logic to think that they will, when those organizations provide weak conservation, and little other benefits. NAFO must be seen by the contracting parties and the larger community to be effective and fair. We have much work to do on each of these counts.

Thank you, Mr. Chairman.

**Annex 7. Opening Statement by the Representative of Denmark in respect of the
Faroe Islands and Greenland
(Kate Sanderson)**

Mr Chairman, distinguished delegates and observers,

It is a pleasure for the Faroe Islands and Greenland to be attending the 27th Annual Meeting of NAFO. It is a special pleasure for us to have this opportunity to visit the beautiful and historical city of Tallin here in Estonia. We would like to extend our sincere thanks to the Government of Estonia for hosting the meeting this year.

The main priority for our delegation at this meeting is to find a satisfactory resolution to the issue of allocation of shrimp in division 3L. As you know, we have tried unsuccessfully for several years to have this matter addressed seriously and in accordance with the NAFO Convention. Our position paper has been circulated to all delegations in advance of this meeting, outlining the issue as we see it and our main concerns.

Our point of departure and the fundament of our claim is the fishing history of the Faroe Islands in the area. The long-standing and pioneering efforts of Faroese shrimp fishermen in the Northwest Atlantic, as well as our contribution to scientific surveys over the years, have helped open up and develop the rational use of a viable and important resource in the region, from which others have also benefited.

We are ready, as we have always been, to sit down and negotiate the details and come up with a solution. We hope and expect that other delegations are also ready to do so. The robust state of the stock and the recommended increase in the TAC for next year is an obvious window of opportunity that must not be missed. If we let this opportunity pass us by, it will reflect very poorly indeed on the effectiveness of this organisation, which we know is under intense scrutiny, and on regional approaches to fisheries management in general.

Modernisation of NAFO is another key issue on our agenda this year, together with a discussion of ecosystem approaches to fisheries management. We wish to emphasise consistency across the North Atlantic in our approaches to these issues. We have been through a similar process in NEAFC recently by which we believe NAFO can usefully be guided.

It is always a major concern for small countries such as ours when the largest shareholders in a fisheries resource are not able to stick to the rules we have all agreed on. The Greenland Halibut Recovery Plan seems to be experiencing some difficulties. For Parties such as ourselves with a minimal share of this stock, it is of utmost importance that our share remains at a level that is actually worth fishing.

Finally Mr Chairman, may I say that our delegation looks forward to working constructively with all other delegations during this meeting.

Annex 8. Opening Statement by the Representative of the Russian Federation
(Anas Nurutdinov)

Distinguished Delegates, Ladies and Gentlemen,

We are glad to greet all the Contracting Parties participating in the present NAFO Annual Meeting. Let me express our thanks to Estonia for excellent conditions prepared for successful work.

The recent year of operation in the NAFO Regulatory Area and decisions from the latest conferences and meetings at the international level place great emphasis on the forthcoming discussions at this NAFO meeting.

We study with particular attention and take part in the process of implementation of the precautionary and ecosystem approaches into the practice of stock and fisheries management in the Convention Area. In our view, the use of such approaches is very promising. We hope that development and implementation of such approaches will permit us to improve the current situation with stocks and to reach long-term sustainable fisheries.

We expect that our discussions will take place in the traditional atmosphere of cooperation and on the basis of Scientific Council advice.

We look forward further development of regulatory measures in the 3O redfish fishery (that is to reach conformity between measures applied inside and outside the 200-mile zone of Canada) as well as regarding the oceanic redfish.

The Russian Federation wishes all of us fruitful work.

Annex 9. Opening Statement by the Representative of Ukraine
(Vasyl Chernik)

Mr. Chairman, distinguished Delegates, Ladies and Gentlemen,

Ukrainian delegation greets all the participants of the 27th NAFO Annual Meeting. It's a pleasure that the host of this meeting is our old neighbour and a new EU member – Estonia.

The first days spent here in Tallinn promise us good changes and serious solutions of this meeting.

Ukraine supports all the new and progressive initiatives, which were generated by the Ministerial Conference in St. John's, Canada on May 2005 and are useful for conservation of fish stocks and management of it on the scientifically based changes. We believe they will serve as an instrument for fair allocations of NAFO quotas between NAFO members, which have not reached the upper positions.

Ukraine now proposes to increase the role of the observers and partial enlargement of their duties and/or changing their functions as scientific observers. We also propose to organize international research expeditions.

No doubt, all these problems are complicated but very important. We believe that the exchange of ideas between NAFO members gives the possibility to solve all the problems.

Wishing success to this NAFO Meeting.

Many thanks for understanding.

Annex 10. Opening Statement by the Representative of Japan
(Miwako Takase)

On behalf of Japanese Delegation, I wish to make some opening remarks at the beginning of the NAFO 27th Annual Meeting.

First of all, I would like to express our sincere appreciation to City of Tallinn and the Government of Estonia as well as European Union for hosting this year's meeting of NAFO.

I would like to mention the following specific issues that Japan takes interest at this year's meeting.

NAFO has been taking strict regulatory measures for the fisheries in the convention area. At the last year's meeting, NAFO adopted TAC and allocation schemes for some species and consequently the NAFO conservation measures are taken for all of commercial species in NAFO Regulatory Area. NAFO also adopted various enforcement measures for many years. However the stock status of the most species is still under low level. To improve this situation, the issues of the compliance and enforcement have been discussed for years. However the issues of compliance and IUU fishing activities are still serious concern and we have to continue to tackle these issues.

On the other hand, in various international fora including the United Nations, fisheries issues are taken up and moratorium on bottom trawling are requested by some NGOs from concern of the bad impacts on marine ecosystem. It is a strong Japanese position that fisheries issues should be treated by fisheries management organizations which have expertise for fisheries. Under the present situation, Regional Fisheries Management Organizations including NAFO should show their competence for fisheries management taking consideration of marine environment and the issue should be well addressed in this meeting.

Finally, Japan would like to confirm its commitment to work with all the participants here for successful results of this meeting.

Thank you.

Annex 11. Opening Statement by the Representative of France (in respect of SPM)
(Daniel Silvestre)

Mr Chairman, distinguished Delegates, Ladies and Gentlemen

Let us first express our warm thanks to the Estonian Authorities for the organization of the NAFO Annual Meeting in the beautiful and historic city of Tallinn.

This Meeting is of a significant importance for NAFO in the general context of world fisheries management. In fact, due to this general context, we find ourselves at a cross road, and we would like to mention the recent major events relevant for future development of our Organization:

- The recent COFI/FAO Meeting, in particular the items dealing with protected areas, ecosystem approach and deep sea fisheries;
- The work carried on within the UN framework;
- The Ministerial Conference of Saint John organized by Canada, which led to the Ministerial Declaration.

The first question we have to answer relates to the current status of NAFO, and whether the Organization meets the present needs such as expressed in the various international Foray. In this respect, two important prospective documents have been tabled for this Meeting, by Canada and Norway.

France is of the opinion that NAFO, despite the fact of not being a recent RFO, has been working, and even if the text of the instrument does not contain provisions included in more recent instrument, the Organization, partly because the flexibility of the text, have set up efficient subcommittees and has gained much experience in fisheries management, even if the stocks are far from recovery. We therefore are not starting from scratch.

NAFO nevertheless needs some updating, to integrate on one hand the wording of the main objectives and principles resulting from the work of the international community, and on the other hand consider the possibility of developing a modified structure.

We consider that a way to meet these objectives would be to follow some basic principle such as:

- A modified text which should remain as simple as possible, and which should contain references to the precautionary approach and fisheries management in relation with ecosystems;
- The measures identified and taken for management and compliance should remain in the hands of the competent Commission and Committee(s). For instance the question of the protected areas and the protection of deep sea coral reefs should be addressed within the framework of the competent NAFO body taking into account all fishing gears adverse to the ecosystem and not limited to bottom trawling for instance.
- An adapted objection procedure

In this respect, we look forward for a proposed terms of reference, should a working group be set up to modify the Convention.

As far as the “regular” work of the NAFO Annual Meeting is concerned, France (SPM) would like not to modify the present management provisions and keys allocation in respect of the different regulated stocks and recovery plans (quotas and fishing effort).

France (SPM) has very little fishing possibilities, but despite the fact that they are far to be sufficient, they are very important for a small Island, which has always lived from sea resources

Concerning the proposed TAC, we should take due account of the recommendations delivered by the Scientific Council.

As far as NAFO compliance measures are concerned, the port of Saint Pierre has been recently and successfully used as port of inspection, at the request of the Parties involved.

If the Parties so wish, we would be ready to examine the possibility to improve and to formalize the fact that this harbour, being located close to NAFO fisheries areas, could be considered as one port of inspection.

Thank-you.

Annex 12. Record of Decisions Agreed upon by the General Council

Substantive Issue (Agenda Item)	Decision/Action
11. Modernization of RFMOs – Proposal for NAFO	GC W.P. 05/8, Rev. 2 - Adopted
13. Administrative Report	GC Doc. 05/1 - Adopted
16. Consideration of the Renewal of the Executive Secretary	Contract of Executive Secretary extended for another term of four years starting 2007
20. STACFAC report and recommendations	Report adopted in whole Modified NCP Scheme - STACFAC WP 05/4(rev.) adopted
22. STACFAD report 23. Adoption of Budget and Recommendations	Report adopted in whole Budget of \$1,519,000 for 2006 adopted ; and, all other recommendations of STACFAD were adopted .
24. Time and Place of Next Annual Meeting	Agreed: Next Annual Meeting to be held in Halifax, Nova Scotia, Canada, on the following dates: Scientific Council: 13-22 September 2006 General Council/Fisheries Commission: 18-22 Sep 2006

Annex 13. Agenda

I. Opening Procedure

1. Opening by the Chair, David Bevan (Canada)
2. Appointment of Rapporteur
 - duties include maintaining record of agreed General Council decisions at Annual Meeting
3. Adoption of Agenda
4. Admission of Observers
5. Publicity
6. Guidance to STACFAD necessary for them to complete their work (Monday)
7. Guidance to STACFAC necessary for them to complete their work (Monday)

II. New Initiatives

8. FC/GC/SC Joint Session (chaired by FC): Discussion of Ecosystem Approach to Fisheries Management (set for Tuesday, 20 September, from 11:00am -12:30pm)
9. Report by Canada on the St. John's Conference on the Governance of High Seas Fisheries and the UN Fish Agreement – Moving from Words to Action
10. The NAFO Convention in the context of recent developments concerning ocean governance
11. Modernization of RFMO's – Proposal for NAFO

III. Supervision and Coordination of the Organizational, Administrative and other Internal Affairs

12. Review of Membership
 - a) General Council
 - b) Fisheries Commission
13. Administrative Report (STACFAD)
14. Enhancement of Public Relations
15. NAFO Journal
16. Consideration of the Renewal of the Executive Secretary's Contract
17. Consideration of Staff Rule 4.1 – Maximum Renewal of Terms of the Executive Secretary

IV. Coordination of External Affairs

18. Report of Executive Secretary on meetings of: FIRMS, CWP, COFI, RFB and NARFMO

V. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention

19. Consideration of non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
20. Report of STACFAC at the Annual Meeting and decisions on actions
21. Dispute Settlement Procedures

VI. Finance

- 22. Report of STACFAD at the Annual Meeting
- 23. Adoption of the Budget and STACFAD recommendations for 2006

VII. Closing Procedure

- 24. Election of Chair and Vice-Chair
- 25. Time and Place of Next Annual Meeting
- 26. Other Business
- 27. Press Release
- 28. Adjournment

Annex 14. FAO Statement to the 27th Annual Meeting of NAFO
(H. Watanabe)

Mr. Chairman, distinguished delegates and observers:

FAO is very grateful for the invitation extended by the Secretariat of the Northwest Atlantic Fisheries Organization (NAFO), to observe Twenty-seventh Annual Meeting held in this beautiful and historical city of Tallinn. FAO has been keeping a close and effective working relationship with NAFO and desires to continue such collaboration.

FAO appreciates, in particular, the cooperativeness of the NAFO Secretariat in responding to FAO's periodic requests for information relating to NAFO's activities. Such collaboration greatly assists FAO in meeting its global fisheries reporting responsibilities.

The role of regional fishery bodies has been increasing its importance and highly expected in sustainable and responsible fisheries management all over the world. The Twenty-sixth Session of the FAO Committee on Fisheries (COFI) and the Ministerial Meeting on Fisheries held last March in Rome underscored the importance of Regional Fisheries Management Organizations (RFMOs) and expressed its expectation that these organizations would take the lead as we move toward more responsible fisheries. In particular, COFI encouraged RFMOs to consider introducing and implementing the ecosystem approach to fisheries, requested RFMOs, as appropriate, to collect and submit information on deep-sea fisheries to FAO and noted that RFMOs would need to interact with other relevant Intergovernmental Organizations (IGOs) when introducing Marine Protected Areas (MPAs).

Immediately after COFI, the Fourth Meeting of Regional Fishery Bodies (RFB-4) was held and also reconfirmed the important role that Regional Fishery Bodies (RFBs) have to play in sustainable fisheries. Furthermore, the Meeting discussed a number of essential matters for RFBs such as external factors affecting fisheries management, harmonization of catch documentation, relations between RFBs and the United Nations Environmental Programme (UNEP) and the status of the Fisheries Resources Monitoring System (FIRMS) of FAO.

Since NAFO is one of the world's leading RFBs, having a long history and much experience in the sustainable management of fisheries in the Northwest Atlantic Ocean, it is anticipated that NAFO will continue playing a significant role in regional action to secure sustainable and more responsible fisheries management, as agreed and recommended during COFI and the Meeting of RFBs.

FAO was well informed of the outcome of the St. John's Ministerial Conference and is aware that many RFBs around the world, including NAFO, are facing new challenges and responsibilities and, therefore, need to be strengthened. This is being done so that major issues such as IUU fishing can be more effectively addressed and that the spirit and intent of the international fisheries instruments concluded in the post-UNCED period are properly reflected and implemented by RFBs. FAO encourages and wishes to collaborate with RFBs to be better equipped to manage fisheries and given the central role in promoting sustainable fisheries.

Mr. Chairman,

I will carefully and conscientiously observe the proceedings of this meeting and report back to the management of FAO's Fisheries Department.

Let me conclude, Mr Chairman, by saying that I bring to the meeting greetings from FAO's Assistant Director-General for Fisheries, Mr Ichiro Nomura. He wishes the meeting's every success in its deliberations.

Thank you very much, Mr. Chairman, for the opportunity to make this statement on behalf of FAO.

**Annex 15. Opening Remarks of the ICCAT Executive Secretary to the
27th Annual Meeting of NAFO
(D. Meski)**

Mr. Chairman,
Distinguished Delegates,
Madam Executive Secretary,

I would like to thank you for inviting ICCAT to participate in this 27th Annual Meeting of NAFO as an observer. I am very pleased to be here in this beautiful city of Tallinn.

I am also pleased to see several representatives of ICCAT Contracting Parties at this meeting. ICCAT is happy to share experiences with NAFO, and to strengthen cooperation and exchange of information between Regional Fisheries Management Organizations.

I am sure that the decisions taken at this meeting, particularly in areas which affect fisheries management in general, will be of great interest to our Commission.

I should like to take this opportunity to wish you all a successful meeting.

Thank you.

Annex 16. 2005 Annual Meeting Press Release

NAFO Starts a Reform Process

TALLINN, ESTONIA – Northwest Atlantic Fisheries Organization (NAFO) has launched a review of the NAFO Convention, especially with a view to incorporating more integrated oceans management approaches, reforming decision-making processes, and examining the current structure of NAFO.

The decision was made at the 27th Annual Meeting of NAFO held in Tallinn, Estonia, 19-23 September 2005.

In the context of modernization, NAFO bodies were asked to make recommendations to strengthen NAFO monitoring, control and surveillance measures through modifications in the areas of sanctions, role of observers and follow-up on infringements.

First steps towards an ecosystem approach

NAFO scientists were tasked to look into areas of marine biological and ecological significance for NAFO. In addition, NAFO fishing vessels will collect, on a voluntary basis, data on seamounts in the NAFO area. These undersea mountains are viewed as potentially vulnerable ecosystems that might warrant special protection.

Ecosystem studies have long been a part of the work of the Scientific Council. In 2006, NAFO will hold a symposium to advance knowledge of the Northwest Atlantic ecosystems.

During the past year NAFO began discussions of applying the ecosystem approach to fisheries management. An important milestone was made in 2004 when NAFO adopted and began to implement a framework for the Precautionary Approach. Progress continues to be made in the application of the Precautionary Approach to stock assessments.

NAFO bans shark finning

In keeping with its ecosystem approach, NAFO adopted measures banning finning, and the transshipment and landing of shark fins to improve the protection of sharks in the NAFO area. These measures are consistent with those adopted by regional tuna commissions (ICCAT, IATTC).

Blacklist for IUU vessels

NAFO has created a procedure to blacklist non-NAFO member vessels involved in Illegal, Unreported and Unregulated (IUU) fishing in the Northwest Atlantic. This is an important step for global cooperation. In addition, NAFO will automatically share information about these IUU fishing activities with other regional fishery bodies and with the Food and Agriculture Organization of the United Nations (FAO).

The meeting was attended by 200 delegates from eleven Contracting Parties - Canada, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and United States of America.

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Additional highlights of the meeting can be found in the attached background.

For more information contact: Barb Marshall, NAFO Secretariat
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Backgrounder

The **General Council** was chaired by David Bevan (Canada), and looked into administrative matters.

The **Scientific Council** under the chairmanship of Dr. Joanne Morgan (Canada) conducted assessments of stocks in the NAFO Convention Area during the past year and its advice was presented to Fisheries Commission. The scientific assessments concluded that yellowtail flounder in Div. 3LNO and northern shrimp on the Flemish Cap and the Grand Bank remain bright spots with healthy populations. NAFO scientists also advised that directed fisheries continue on two stocks of redfish, white hake, thorny skate and Greenland halibut. However, Scientific Council recommended that moratoria be maintained for 8 of the 15 fish stocks assessed by NAFO.

The Scientific Council also coordinates research on a variety of subjects including studies on fishing gear, oceanography, and a range of biological issues on various marine species in the Northwest Atlantic.

NAFO Fisheries Commission, chaired by Dean Swanson (USA) adopted the recommendations made by the Scientific Council. In addition, NAFO agreed on a number of measures to maintain and increase NAFO's ability to protect the fishery resources of the Northwest Atlantic (a complete list of these measures will be available in the meeting reports). **Attached is the table of Total Allowable Catches (TAC) and quotas agreed at this session.**

The following points represent additional highlights from the Annual Meeting:

More fishing opportunities for shrimp in 3L

The increased growth of the shrimp stock in Div. 3L allowed NAFO to raise the TAC to 22,000 tons following the scientific advice

NAFO Compliance Review

The second NAFO Annual Compliance Review was adopted. This review summarizes issues regarding compliance with the NAFO Conservation and Enforcement Measures and will be available on the NAFO website (www.nafo.int).

Reduced TAC for straddling oceanic redfish

The oceanic redfish stock that straddles the Northwest and the Northeast Atlantic is managed jointly with the Northeast Atlantic Fisheries Commission (NEAFC). In accordance with a decision taken earlier by NEAFC to reduce its TAC, NAFO reduced its TAC for oceanic redfish.

Protection of Greenland halibut continues

Following the 15-year rebuilding plan for Greenland halibut adopted in 2003, NAFO confirmed the reduction for the TAC in 2006.

Greenland halibut is estimated to be at its lowest level since 1975. Fishing mortality is high and prospects for the rebuilding of this stock in the short term are poor.

Combating fishing by non-NAFO member vessels

NAFO was informed that seven vessels flagged to Dominica had been sighted by Canadian aerial surveillance in the NAFO Regulatory Area in 2004 and 2005. Following diplomatic demarches made to Dominica by several NAFO members, Dominica cancelled the registration of seven of the vessels in question.

2006 NAFO Symposium

The Scientific Council is sponsoring a symposium entitled “*Environmental and Ecosystem Histories in the Northwest Atlantic – What Influences Living Marine Resources?*”. This Symposium will take place in conjunction with the NAFO 28th Annual Meeting in Dartmouth, Nova Scotia, Canada, on 13 to 15 September 2006.

Election of Officers

The following NAFO officers were elected in 2005:

General Council

Chair: David Bevan (Canada)

Vice-Chair: Terje Lobach (Norway)

Standing Committee on Finance and Administration (STACFAD)

Chair: Fred Kingston (EU)

Vice-Chair: Frederik Schmidt (Denmark in respect of Faroe Islands & Greenland)

Fisheries Commission

Chair: Vladimir Shibanov (Russian Federation)

Vice-Chair: Kolbeinn Arnason (Iceland)

Standing Committee on International Control (STACTIC)

Chair: Höskuldur Steinarsson (Iceland)

Vice-Chair: Mads Nedergaard (Denmark in respect of Faroe Islands & Greenland)

Scientific Council

Chair: Antonio Vázquez (EU-Spain)

Vice Chair: Konstantin Gorchinsky (Russian Federation)

Standing Committee on Research Coordination (STACREC)

Chair: Konstantin Gorchinsky (Russian Federation)

Standing Committee on Fisheries Science (STACFIS)

Chair: Don Power (Canada)

Standing Committee on Fisheries Environment (STACFEN)

Chair: Eugene Colbourne (Canada)

Standing Committee on Publications (STACPUB)

Chair: Manfred Stein (EU-Germany)

Prior to the Annual Meeting, the following NAFO meetings were held during 2005: (1) Standing Committee on International Control (STACTIC) (Reykjavik, Iceland, 13-15 April) and (2) Scientific Council Regular Meeting (Dartmouth, N.S., Canada, 1-15 June).

NAFO Executive Secretary

23 September 2005, Tallinn, Estonia

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**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 ^{2,4}	0	0	14624 ⁵		0
Cuba		0	-	0	1750		627 ^{2,4}	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		15675 ^{2,3}	-	-	-		-
European Union		0 ¹¹	0 ¹¹	0 ¹¹	7813 ¹²	7000	$\frac{15675^{2,3}}{4076^{2,15}}$	0	0 ¹¹	-		0 ¹¹
France (St. Pierre et Miquelon)		-	-	-	69		627 ^{2,4}	-	-	300 ⁵		-
Iceland		-	-	-	-		15675 ^{2,3}	-	-	-		-
Japan		-	-	-	400	150	627 ^{2,4}	-	-	-		-
Korea		-	-	-	69	100	627 ^{2,4}	-	-	-		-
Norway		0	-	-	-		15675 ^{2,3}	-	-	-		-
Russia		0	0	0	9137	6500	15675 ^{2,3}	-	0	-		0
Ukraine						150	627 ^{2,4}					
United States of America		-	-	-	69		627 ^{2,4}	-	-	-		-
Others		0	0	0	124	100	-	0	0	76 ⁵		0
TOTAL ALLOWABLE CATCH	*	*	* ¹⁶	* ¹⁶	5000 ^{8,16}	20000 ¹⁶	20378 ^{10,17}	* ¹⁶	*	15000 ⁹	* ¹⁶	*

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹	Shrimp	
Division/Contracting Party	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO
Canada	2500	0	2250	2056	N.S. ⁶	18325	
Cuba		0		-	510	245	
Denmark (Faroe Islands and Greenland)		-		238	-	245	
European Union	5000	0 ¹¹	8500	8038 ¹⁸	<u>N.S.</u> ⁶ 611 ¹³	1225 ¹⁴	
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 ⁷	794	0	
TOTAL ALLOWABLE CATCH	8500 ¹⁶	* ¹⁶	13500 ¹⁶	13709	34000	22000	*

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

1. 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.

2. 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.

3. 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.

4. Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.

- ⁵ 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.
- ⁶ 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).
- ⁷ 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.
- ⁸ 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.
- ⁹ The provisions of Article 9, paragraph 3 of the Conservation and Enforcement Measures shall apply.
- ¹⁰ 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.
- ¹¹ 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).
- ¹² 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.
- ¹³ 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.
- ¹⁴ 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
- ¹⁵ Allocation of 3637 tonnes for Lithuania and 439 tonnes to Latvia following their accession to the European Union.
- ¹⁶ Applicable to 2006 and 2007.
- ¹⁷ 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.
- ¹⁸ 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
Canada	456	16
Cuba	100	1
Denmark		
– Faroe Islands	1606	8
– Greenland	515	14
European Union	3293 ¹	33 ¹
France (in respect of St Pierre et Miquelon)	100	1
Iceland	N/A	N/A
Japan	100	1
Korea	100	1
Norway	1985	32
Russia	2100	N/A
Ukraine	100	1
USA	100	1

¹ 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 ³	8038 ⁴	6951 ⁵
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 ¹	0 ²	0 ²	0 ²
TOTAL ALLOWABLE CATCH	14820	14079	13709	11856

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

² 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.

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

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

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

Annex 17. Reform of NAFO
(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 Canada¹. 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.

¹Chair: EU; Vice-Chair: Canada

Annex 1
(GC Doc. 05/2)

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 UNCLOS¹ and UNFA²;

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;

[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 Agreement³, 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;

[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.

**Annex 18. Discussion Paper - The NAFO Convention in the context of
recent developments concerning ocean governance**
(presented by Norway)

In recent years, many initiatives have been taken to address the conservation and management of the marine ecosystems on the high seas, both by States, intergovernmental organisations and non-governmental organisations. The UN General Assembly annually addresses fisheries issues, among other things calling upon regional fisheries management organisations (RFMOs) to address specific topics in order to achieve sustainable fisheries within their areas of competence. In particular it should be mentioned that the UN General Assembly has urged RFMOs to prohibit destructive fishing practices which have adverse impacts on vulnerable ecosystems, including seamounts, hydrothermal vents and cold water corals in areas beyond national jurisdiction. Further the World Summit on Sustainable Development (WSSD) 2002 in Johannesburg agreed on a detailed “Plan of Implementation” that includes a number of provisions regarding international and high seas fisheries (Articles 30 to 36), among them the establishment of marine protected areas (MPAs), including representative networks. The Convention on Biological Diversity (CBD) is also addressing MPAs in marine areas beyond national jurisdiction and has established an Ad Hoc Open-ended Working Group on Protected Areas. Thus there are new demands and expectations concerning the performances of RFMOs. In addition there are now available several tools for regional bodies, which were absent when the NAFO Convention was concluded 25 years ago.

Concern about the impact of fishing in the marine ecosystem, including the call for an ecosystem approach are also to be found in global instruments, which are in force and thus entail legal binding obligations on parties. For example included in the preamble of the 1995 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 (the 1995 Agreement) is that parties are “*Conscious of the need to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimize the risk of long-term or irreversible effects of fishing operations*”. Attention should be paid to Articles 5 (general principles) and 6 (application of the precautionary approach) of the 1995 Agreement. It applies, however, only to fisheries for straddling stocks and highly migratory stocks, and is thus not applicable to so-called discrete stocks, i.e. stocks that exclusively occur in high seas areas. Even though some of the stocks on the high seas of NAFO-area are discrete stocks, others are straddling between the EEZs of Contracting Parties and the high seas. For management purposes it might be difficult to separate the two. Of particular interest concerning fishing in vulnerable areas are Article 5 (g) calling for the protection of the biodiversity in the marine environment and Article 6, paragraph 1 calling on States to apply the precautionary approach “to protect the living marine resources and preserve the marine environment”. Complementary voluntary responsibilities are set out in the FAO Code of Conduct for Responsible Fisheries, which is global in scope and applies to all fishing activities.

From a fisheries perspective it is of course important to sustain marine ecosystems whose living resources can provide food and serve as a basis for income for present and future generations. It is recognised that healthy, well functioning and productive ecosystems will provide optimal levels of production for harvesting. In general there is misconception that fisheries constitute a major environmental problem. In fact, other human activities in the oceans pose major threats to viable fisheries and especially food security. Thus fishing is the only human activity at sea that is dependent on healthy ecosystems and clean oceans. Of course fisheries cannot avoid having an impact on marine ecosystems in the process of harvesting. A management target would thus be to obtain the maximum benefit from harvesting without reducing the future value of the resources and the marine environment in general. In order to achieve this objective, scientific management advice should of course incorporate ecosystem information into stock assessments and forecasts and advice on improved fishing methods in order to reduce negative effects on ecosystems.

As mentioned above the UN General Assembly last year adopted a resolution concerning sustainable fisheries, which also addresses responsible fisheries in the marine ecosystem. In paragraphs 66 and 67, the resolution

“Calls upon States, either by themselves or through regional fisheries management organizations or arrangements, where these are competent to do so, to take action urgently, and consider on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling, which has adverse impacts on vulnerable marine ecosystems, including

seamounts, hydrothermal vents and cold-water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law; and Calls upon regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to urgently adopt, in their regulatory areas, appropriate conservation and management measures, in accordance with international law, to address the impact of destructive fishing practices, including bottom trawling, which has adverse impacts on vulnerable marine ecosystems, and to ensure compliance with such measures”.

It should be noted that the UN General Assembly has agreed to review within two years progress on actions concerning bottom trawling, with a view to further recommendations, where necessary, in areas where arrangements are inadequate. In addition several non-governmental organisations and some states actually call for a global ban on bottom trawling on the high seas (UN resolution similar to that on the global moratorium on large-scale pelagic drift-net fishing on the high seas).

FAO’s Committee on Fisheries (COFI) addressed the issue of deep-sea fisheries at the meeting in March this year. The Committee, among other things, called upon Members conducting deep sea fisheries on the high seas individually and in cooperation with others to address adverse impacts on vulnerable ecosystems and to sustainably manage the fishery resources being harvested including through controls or limitations on new and exploratory fisheries.

In the ministerial declaration from the Conference on the Governance of High Seas Fisheries and the UN Fish Agreement, which was held in St. John’s, Canada in May this year, the ministers recognised that RFMOs today face new challenges and responsibilities. It is recognised that while the governance of some RFMOs has been improved by incorporating the principles and provisions of newly developed international instruments and tools, including those related to ecosystem considerations in fisheries management, other RFMOs remain to be improved and to further strengthen and modernise RFMOs to ensure that such challenges and responsibilities are effectively addressed.

1. The current legal situation

Article 68 of the 1982 UN Law of the Sea Convention (the LOS Convention) specifies that Part V does not apply to sedentary species as defined in Article 77, paragraph 4. It thus appears to except such species from the rules of Part V on foreign access, requirements to ensure rational conservation and optimum utilisation and the obligation to co-operate with other states as regards shared stocks. Several regional fisheries management organizations, such as NEAFC, thus exclude sedentary species, from its scope of application, in accordance with article 77, paragraph 4. It could, however, be argued that there is no reason why general obligations relating to sustainable management, use and conservation set out in the LOS Convention should not apply to these species as well, since this is a dominant theme throughout the Convention.

Sedentary species and habitats occurring outside the EEZs will, in so far as they are found on the continental shelf as defined in Article 76 of the LOS Convention, also come within the scope of the sovereign rights and continental shelf jurisdiction of the coastal State in accordance with Part VI. The Commission on the Limits of the Continental Shelf set up under Annex II of the LOS Convention has only recently started reviewing submissions for the establishment of the limits of the continental shelf beyond 200 nautical miles, and no States Parties are under any obligation to make such submissions until 2009 at the earliest. The process of delimiting the areas of extended continental shelf that will be under national jurisdiction is therefore likely to take many more years.

High seas fishing is in principle open to all States, see Article 87 of the LOS Convention. However, Article 87 also states that this freedom must be exercised with due regard for the interests of other States and also with due regard for the rights under the Convention with respect to activities in the Area. Section 2, Part VII, of the LOS Convention (Articles 116-119) states that the right to engage in fishing on the high seas is further subject to treaty obligations, and to the rights and duties as well as the interests of coastal States (see for example Article 63, paragraph 2, and Articles 64 to 67 of the Convention).

States further have obligations to take such measures with respect to their respective nationals as may be necessary for the conservation of the living resources of the high seas (Article 117) and to co-operate with other States in

conservation and management of these resources (Article 118). Moreover, the LOS Convention obliges coastal States and other States that fish for highly migratory species to co-operate directly or through appropriate international organisations with a view to ensuring conservation and promoting the objective of optimum utilisation of highly migratory species throughout the region, both within and beyond the EEZ of the coastal State, see Article 64 of the LOS Convention. In regions where no appropriate international organisation exists, the States concerned are obliged to co-operate to establish such an organisation and to participate in its work. These provisions apply to all living resources, including species that are not sedentary as defined in Article 77 of the LOS Convention. The 1995 Agreement further defines and elaborates these obligations with respect to straddling stocks and highly migratory stocks.

Species and ecosystems outside the extended continental shelf as defined in the LOS Convention Article 76 are by definition in the “Area”, which is to be managed by International Seabed Authority (ISA) in accordance with Article 134, paragraph 4, and Article 136 of the LOS Convention. ISA’s competence applies to all “resources” in the Area, meaning “all solid, liquid or gaseous mineral resources *in situ* in the Area at or beneath the seabed, including polymetallic nodules”. In extracting resources from the Area and with respect to all other activities, the Authority is obliged to take all “necessary measures to ensure effective protection for the marine environment from harmful effects which may arise from such activities” and shall adopt appropriate rules, regulations and procedures for “the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment”.

It is questionable, however, whether the Authority has the mandate and the competence to manage the living marine resources of the Area. It is also quite clear that the rules and regulations pertaining to the Area do not have any effect on the legal status of the waters superjacent to the Area, see Article 135, but some habitats and ecosystems are found in the subsoil under the Area, and here the situation appears to be less clear.

Article 8, paragraph a, of the CBD requires Parties as far as possible to “establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity”. A protected area under CBD differs from “a particularly clearly defined area”, as mentioned in Article 211, paragraph 6, of the LOS Convention, and is understood to be “a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives”, see Article 2. At the same time it is clear that with regard to the marine environment, the rights and obligations set out in the CBD must not be in conflict with those laid down in the LOS Convention, see Article 22, paragraph 2. The establishment of protected areas in the high seas would appear to be in conflict with the prohibition of the LOS Convention Article 89, under which “no State may validly purport to subject any part of the high seas to its sovereignty”. Equally, Article 137, paragraph 3, of the LOS Convention states that no claim, acquisition or exercise of any rights with respect to minerals recovered from the Area by any state or natural or juridical person shall be recognised. Furthermore, it is quite clear that no marine scientific research activities can constitute the legal basis for any claim to any part of the marine environment or its resources. It would thus appear that while States may undertake to designate protected areas under Article 8, paragraph a), of the CBD in areas under their jurisdiction and in accordance with the LOS Convention, before such areas can be established on the high seas, there is a need to examine the existing legal framework, and the UN General Assembly has taken initiatives in this regard.

2. Relevant terms used in some global instruments

The term “fish” is defined in the 1995 Agreement to include molluscs and crustaceans except those belonging to sedentary species as defined in article 77 of the LOS Convention. It could be argued that “fish” and “fishery resources” are equal terms.

The term “living marine resources” is used quite frequently, cf. Articles 1, 6, 7, 11, 24 and 30 of the 1995 Agreement and the preamble, article I and article IX of the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the Compliance Agreement). It should be mentioned that the LOS Convention refers to “living resources”, cf. for example section 2 of part VII (Conservation and management of the living marine resources of the high seas). The inclusion of the word “marine” first appeared in Agenda 21 where States committed themselves to the conservation and sustainable use of marine living resources on the high seas. It seems like, in some cases at least, that the terms “living marine resources” and “fishery resources” are equal. For example is a “fishing vessels” defined in the Compliance

Agreement to mean any vessel used for exploitation of living marine resources, thus defining “fishing” to be harvesting of marine living resources. But this is probably not intentional. The term “living marine resources” has a broader application than “fishery resources” as it would for instance include aquatic plants, corals and sponges.

The term “conservation and management measures” is defined in the 1995 Agreement and in the Compliance Agreement to be measures to conserve and manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the LOS Convention, cf. Article 1 of the 1995 Agreement and Article I of the Compliance Agreement.

3. Mandates of other RFMOs

Just a few RFMOs have the competence to regulate bottom fisheries, among them NAFO. Others are the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the North East Atlantic Fisheries Commission (NEAFC) and the South East Atlantic Fisheries Organization (SEAFO). Work has recently been concluded concerning the establishment of the Southern Indian Ocean Fisheries Agreement (SIOFA) with the competence to regulate also bottom fisheries in the Southern Indian Ocean. There are several other RFMOs with mandates to regulate highly migratory species such as tuna and swordfish, thus dealing only with fishing activities in the upper layer of the water column.

Further some RFMOs have included in their mandates references to an ecosystem approach to management, including the protection of the marine biodiversity.

3.1 CCAMLR

Concerning application, Article I of the CCAMLR Convention states the following:

- ”1. This Convention applies to the Antarctic marine living resources of the area south of 60° south latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem.*
- 2. Antarctic marine living resources means the population of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.*
- 3. The Antarctic marine ecosystem means the complex of relationships of Antarctic marine living resources with each other and with their physical environment.*

The objective and general principles are referred to in Article II, which read as follows:

- “1. The objective of this Convention is the conservation of Antarctic marine living resources.*
- 2. For the purposes of this Convention, the term “conservation” includes rational use.”*
- 3. “any harvesting and associated activities in the area to which this Convention applies shall be conducted in accordance with the provisions of this Convention and with the following principles:*
 - a) prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment. For this purpose its size should not be allowed to fall below a level close to that which ensure the greatest net annual increment;*
 - b) maintenance of the ecological relationship between harvested, dependent and related populations of Antarctic marine living resources and the restoration of depleted populations to the level defined in subparagraph a) above; and*
 - c) prevention of changes or minimisation of the risk of changes in the marine ecosystem which not potentially reversible over two or three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of Antarctic marine living resources”.*

3.2 SEAFO

The Convention defines some terms in Article 1, among them “fishery resources” and “living marine resources”. For the purpose of the Convention:

“Fishery resources” means resources of fish, molluscs, crustaceans and other sedentary species within the Convention Area, excluding (i) sedentary species subject to the fisheries jurisdiction of coastal States pursuant to article 77 paragraph 4 of the 1982 Convention; and (ii) highly migratory species listed in Annex I of the 1982 Convention, and

“Living marine resources” means all living components of marine ecosystems, including seabirds.

Pursuant to Article 2 the objective is:

“To ensure the long-term conservation and sustainable use of the fishery resources in the Convention Area through effective implementation of this Convention”

The general principles are included in Article 3, which reads:

“In giving effect to the objective of this Convention, the Contracting Parties, where appropriate through the Organisation shall, in particular:

- a) adopt measures, based on the best scientific evidence available, to ensure the long term conservation and sustainable use of the fishery resources to which this Convention applies;*
- b) apply the precautionary approach in accordance with article 7;*
- c) apply the provisions of this Convention relating to fishery resources, taking due account of the impact of fishing operations on ecologically related species such as seabirds, cetaceans, seals and marine turtles;*
- d) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem as, or associated with dependent upon, the harvested resources;*
- e) ensure that fishery practices and management measures take due account of the need to minimise harmful impacts on living marine resources as a whole; and*
- f) protect biodiversity in the marine environment.”*

3.3 SIOFA

Interested parties have on 22nd April this year agreed on text for an agreement concerning the management of fishery resources in the Southern Indian Ocean, the Southern Indian Ocean Fisheries Agreement (SIOFA). The parties agreed to convene a Diplomatic Conference at the earliest possibility and at the latest by January 2006 to officially adopt and open for signature the Agreement.

Pursuant to Article 1 (definitions) of the agreed text “fishery resources” means:

resources of fish, molluscs, crustaceans and other sedentary species within the Area, but excluding:

- (i) sedentary species subject to the fishery jurisdiction of coastal States pursuant to article 77 paragraph 4 of the 1982 Convention; and*
- (ii) highly migratory species listed in Annex I of the 1982 Convention;*

Article 2 sets out the objectives of the Agreement and reads as follows:

The objectives of this Agreement are to ensure the long term conservation and sustainable use of the fishery resources in the Area through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries in the Area, taking account of the needs of developing States bordering the Area that are party to this Agreement, and in particular the least-developed among them and small island developing States.

Further in Article 4, the general principles of the Agreement are as follows:

“In giving effect to the duty to cooperate in accordance with the 1982 Convention and international law, the Contracting Parties shall apply, in particular, the following principles:

- a) measures shall be adopted on the basis of the best scientific evidence available to ensure the long term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;*
- b) measures shall be taken to ensure that the level of fishing activity is commensurate with the sustainable use of fishery resources;*
- c) the precautionary approach shall be applied in accordance with the Code of Conduct and the 1995 Agreement, whereby the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures;*
- d) the stocks shall be managed so that they are maintained at levels that are capable of producing the maximum sustainable yield, and rebuild depleted stocks to the said levels;*
- e) fishing practices and management measures shall take due account of the need to minimize the harmful impact of fishing activities may have on the marine environment;*
- f) the need to protect biodiversity in the marine environment;*
- g) the special requirements of developing States bordering the Area that are party to this Agreement, and in particular the least-developed among them and small island developing States, shall be given full recognition.”*

3.4 NEAFC

The NEAFC-Convention applies to “*all fishery resources in the Convention Area with the exception of sea mammals, sedentary species, i.e. organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil and, in so far as they are dealt with by other international agreements, highly migratory species and anadromous stocks.*”, cf. Article 1, paragraph 2. Species that are sedentary form part of the natural resources referred to in Part VI of the LOS Convention, which consist of mineral and other non-living resources of the seabed and subsoil, as well as living organisms belonging to sedentary species. The definition of sedentary species in Article 77 of the LOS Convention is equal to the definition appearing in the NEAFC Convention. Examples of such organisms are bivalves such as oysters and mussels, sea anemones and attached algae. According to Article 1, paragraph 2, there is a general exception for sedentary species in NEAFC. In NAFO, SEAFO and in the draft for SIOFA, the exceptions are related to sedentary species as referred to in Article 77 of the LOS Convention (rights of coastal States over the continental shelf). Thus the NEAFC Convention does not apply to sedentary species living either on or off the continental shelves in the Regulatory Area.

NEAFC has agreed to play a more proactive role in the international processes addressing overall ocean management. At the same time NEAFC has problems of adopting adequate management measures for deep-sea species. To move forward on the issue of deep-sea species and at the same time addressing concerns expressed by the international community, Norway suggested protecting some vulnerable habitats by closing them for bottom fishing. NEAFC agreed in November last year to close five seamounts on the high seas for three years to bottom trawling and static gear, so as to protect vulnerable deep-water habitats. The criteria used by Norway for proposing areas was partly information from historical or present fisheries, and random selection of reference localities based on knowledge of bathymetry and fauna.

Work is now going on within NEAFC with the aim of amending the Convention focussing on responsible fishing in the marine ecosystem and NEAFC's role as the competent authority in this regard. This also implies possible amendments required for managing impact not only on targeted stocks but also other impacts of fisheries on the

marine ecosystem. A working group met in Brussels on the 28th of June and agreed on a text that will be examined and hopefully adopted by the Commission at its annual meeting in November. The suggested amendments to the NEAFC Convention include an update of the preamble, additional and amended definitions, a new article concerning the objectives and a new article on implementation of these objectives.

4. Possible restrictions of the NAFO Convention

In accordance with Article I, paragraph 4, the NAFO Convention applies to:

“all fishery resources of the Convention Area, with the following exceptions: salmon, tunas, marlins, cetacean stocks managed by the International Whaling Commission or any successor organization, and sedentary species of the Continental shelf, i.e., organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.”

The objective of the Convention is to *“contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources in the Convention Area”*, cf. Article II, paragraph 1.

NAFO consists of a General Council, a Scientific Council, a Fisheries Commission and a Secretariat. The Fisheries Commission is responsible for the management and conservation of the fishery resources in the Regulatory Area (i.e. areas beyond the limits of fisheries jurisdiction of Contracting Parties), cf. Article XI, paragraph 1 of the Convention. The functions of the Commission are set out in paragraph 2 of Article XI and reads as follows:

“The Commission may adopt proposals for joint action by the Contracting Parties designed to achieve the optimum utilization of the fishery resources of the Regulatory Area. In considering such proposals, the Commission shall take into account any relevant information or advice provided to it by the Scientific Council”.

Where the general objective of NAFO is to contribute through consultation and cooperation to the optimum utilization, rational management and conservation in the Convention Area, cf. Article II, paragraph 1, the regulating power of the Fisheries Commission concerning the Regulatory Area is related only to the optimum utilization of the fishery resources.

NAFO has of course the competence to close areas in the Regulatory Area for fishing activities (for example trawling), cf. Article XI, compared with Article I, paragraph 4 of the NAFO Convention. The competence is thus limited to actions related to “fishery resources” as defined in Article I, paragraph 4 and the purpose shall be related to optimum utilization of those resources. Consequently the Fisheries Commission seems not to have a clear mandate to establish for example MPAs in order to protect seamounts, hydrothermal or cold-water corals as such. The justification for any action must therefore be that this is related to the optimum utilization of the fishery resources in the Regulatory Area, cf. Article II, paragraph 1 of the NAFO Convention.

However, seamounts are rich and unusual deep-sea biological communities that support unique and endemic faunas, representing large pools of undiscovered biodiversity in the oceans. The biology and ecology of seamounts have been discovered and studied only in recent years. Although relatively few seamounts have been sampled comprehensively, this research has shown that seamounts may be sites of speciation, refuges for rare species, and stepping-stones for distribution. Thus actions might be justified on this basis, and this was the approach taken by NEAFC when five seamounts were closed last fall.

Compared to for example CCAMLR, SEAFO and the newly agreed text for SIOFA, there seems to be shortcomings in the NAFO Convention in order to address management of the oceans in a wider perspective. The main concern is related to the scope and object of the Convention. However, if the NAFO Parties “agree to agree”, there is probably sufficient space for a possible interpretation in the Convention itself. But from a legal perspective possible recommendations concerning for example closures of areas to protect corals etc could be challenged. Further, compared to some of the other RFMOs, in particular those negotiated after the 1995 Agreement, the objective might seem a little bit too general. On the other hand, such a limited scope and rather general objective might give the Fisheries Commission the flexibility required to take any action deemed necessary.

Annex 19. Discussion Paper - Modernization of Regional Fisheries Management Organizations (presented by Canada)

I. INTRODUCTION

In order to provide background to the discussion at the General Council meeting on agenda item 11 – *Modernization of Regional Fisheries Management Organizations – A Proposal for NAFO*, this paper provides a rationale for reviewing and strengthening¹* NAFO, outlines possible directions that Contracting Parties may consider for strengthening NAFO and suggests the possible means to launch the reform process. The Annex to the paper outlines some of the issues involved in examining each of the key areas of reform.

The Challenge

Under existing international law, sub-regional and regional fisheries management organizations and arrangements (RFMO/As) are charged with the primary role regarding the governance of high seas fisheries and are generally believed to represent the most effective means of cooperating in the conservation of high seas fish stocks. Good governance and management by RFMO/As must necessarily contribute to ensuring effective long-term conservation and sustainable use of high seas fish stocks.

It has been recognized globally, at the political level, however that many RFMO/As today face challenges and responsibilities not envisaged at the time of their institution, thereby contributing to lacunae with respect to governance.

The decline in fish stocks has been well documented in the FAO report entitled *The State of World Fisheries and Aquaculture*. Currently, while 25% of global fish stocks could withstand further fishing effort, 50% are fully subscribed and 25% are considered to be over-exploited. The NAFO Convention, in addition to many other instruments establishing RFMO/As², reflects mandates and practices from a time when resource abundance and ecosystem productivity could meet the demands of *existing* technology, fishing capacity and effort. In other words, governance regimes reflected a mindset of optimal utilization.³

The NAFO Convention Area comprises the waters of the Northwest Atlantic Ocean as defined in Article I of the NAFO Convention, which includes the historically abundant and productive ecosystem of the Grand Banks of Newfoundland and Labrador. NAFO manages twenty fish stocks (nineteen listed in the annual quota table which are managed by TAC and quotas, and one which is managed by an effort limitation scheme) of which ten of the stocks have been under moratoria for a number of years. Many of the groundfish stocks on the northern and southern Grand Banks declined in the 1980s and early 1990s and have not recovered.

Fishing nations around the world have a vested interest in ensuring the long-term sustainability of their fisheries because of the important economic benefits they bring. Globally there are 35 million workers employed in fishing or in breeding fish on farms. The international trade in seafood is valued at US\$56 billion annually. The demand for seafood products doubled in the last thirty years and is expected to continue growing 1.5% annually through 2020, driving prices up further and providing greater incentives to harvest fish stocks beyond their sustainable level.

Governments face pressure from internal and external sources to better manage fish stocks and their ecosystems to ensure their conservation and sustainable use. Governments are also facing increased pressures from their fisheries industries, their own citizens, in international fora as well as from environmental non-governmental organizations on the need for better management and biodiversity protection.

¹ In keeping with commitments of St. John's Conference Ministerial Declaration, Operative Paragraph 4; also note that efforts to review and strengthen are linked directly to modernizing the Organization, in part through fully and effectively implementing existing instruments and tools, as required.

² Notable exceptions including Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), South East Atlantic Fisheries Organization (SEAFO), and Southern Indian Ocean Fisheries Agreement (SIOFA)

³ The term "optimum utilization" is included among the objectives in Article II of the NAFO Convention.

Governments are responding to these challenges and taking steps to ensure the sound management and responsible use of fisheries and the protection of oceans on a national basis. In Canada, the Government has begun to reform its governance regime by introducing new legislation and policies, by funding and undertaking new scientific research, by incorporating new tools such as the precautionary approach and the ecosystems approach to fisheries management, and by working together with its fishers to introduce the necessary changes. This is bringing about a fundamental change in Canada's approach to achieving sustainable, conservation-based commercial fisheries and the protection of our oceans.

International Consensus and Political Will

While the governance regimes of certain RFMO/As have been improved in recent years by incorporating the principles and provisions of newly developed international instruments and tools within the agreed decision-making processes, there remains a need to translate political will and to further strengthen and modernize RFMO/As to ensure that they discharge their responsibilities effectively.

Recent events are indicative of an international momentum and reflect a strong political will to improve and strengthen RFMO/As and to move from "words to action". At the 2002 World Summit on Sustainable Development (WSSD), world leaders agreed on a broad Plan of Implementation to reinforce the existing international obligations and action to be taken in a number of areas including fisheries for achieving sustainable development. The WSSD commitments reinforced the need for renewed efforts to transform fisheries management regimes globally. The WSSD was followed by several Ministerial level meetings and initiatives which include the Ministerial High Seas Task Force on IUU Fishing, the FAO Ministerial Meeting of March 2005 in Rome, the St. John's Conference hosted by Canada in May 2005 and the North Atlantic Fisheries Ministers Conference hosted by the Faroe Islands in May 2005.

Strong Ministerial commitments have expressed the basis of an international momentum to address high seas governance and to reform RFMO/As. Ministers agreed to fully implement the key international fisheries instruments directly and in RFMO/As, broaden the mandates of RFMO/As to implement the ecosystems approach and the precautionary approach, improve decision-making processes in RFMO/As and strengthen monitoring, control and surveillance regimes. Ministers further agreed that now is the time to act and that members of RFMO/As are ultimately accountable for the results achieved. At the North Atlantic Fisheries Ministers Conference, Ministers agreed to report back next year on progress achieved in strengthening NAFO and NEAFC.

Internationally, there is also growing consensus that a critical element of the solution for addressing effective resource and oceans management lies with the governance regimes currently in place for many high seas fisheries. RFMO/As and their members also recognize that this is a matter of restoring international confidence and credibility in their organizations and they are beginning to make fisheries management reform and modernization a priority. They need to demonstrate that improvements to fisheries management are contributing to the sustainable management of the resource. This effort needs to accompany the existing efforts underway across all our countries to implement national reforms.

Significant efforts have been made by NAFO members to address issues as they arise. However reviewing and strengthening governance will necessitate a more holistic assessment of the Organization as a whole. It is also worthwhile to note that the fisheries governance agenda is increasingly being subsumed by interests within the United Nations and other numerous fora under a broader oceans agenda that brings with it a broader set of stakeholders with increasingly diverse interests. Under the drive of an increasingly multinational environmental conservation lobby, for example, pressures are being asserted for RFMO/As to begin the implementation of ecosystems and precautionary approaches to the conservation and management and management of fisheries and to address over-capacity and adjust fishing effort commensurate with available fishing opportunities. Without marked and measurable progress, there is a growing concern these international fora could take over the agenda and propose blunt instruments to achieve their objectives, particularly under the auspices of "destructive fishing practices".

It is timely for a discussion to take place at the 2005 NAFO annual meeting with a view to establishing an agreed process for addressing the gaps and how to bridge them in a measurable framework.

II. STRENGTHENING NAFO

Within NAFO, the paramount objective should be to halt the collapse of currently compromised stocks, to undertake all efforts to support their rebuilding and to update the Organization to reflect the most modern standards and benchmark in fisheries conservation and ecosystem management. Underpinning these objectives will require NAFO members to cooperate to modernize and strengthen the governance regime currently in place, thereby reforming NAFO.

Since 1995, NAFO has undertaken a number of improvements. These include:

NAFO Conservation and Enforcement Measures:

- the overhaul of the NAFO Conservation and Enforcement Measures,
- the adoption of the Greenland Halibut Rebuilding Plan,

Monitoring, Control and Surveillance:

- the adoption of a suite of improvements including 100% observer coverage and the requirement for vessel monitoring systems on all fishing vessels in the NAFO Regulatory Area,
- the joint assessment of compliance at NAFO annual meetings,
- the pilot project on Observers, Satellite Tracking and Electronic Reporting,
- the Scheme to Promote Compliance by Non-Contracting Party Vessels,

Organization/Decision-Making

- the adoption of rules to improve transparency and allow the greater participation of non-governmental organizations,
- modernization and continuing improvements in the management of the Secretariat,
- the adoption of a NAFO media policy,
- the preliminary operationalization of the Precautionary Approach through the pilot application to two stocks, and
- the consensus reached by Chairs of General Council, Fisheries Commission and Scientific Council to improve the functioning and scheduling of the annual meeting beginning in September 2005.

Other than organizational and decision-making reforms, many improvements have focused on addressing non-compliance. However most measures are fairly recent, and have not yet resulted in substantive change in behavior on the high seas. Non-compliance remains high because the consequences of cheating remain well within “the cost of doing business”, and capacity reductions have lagged behind agreed upon reductions, particularly for Greenland halibut. Other challenges remain to be addressed. Decision-making processes lack transparency and lead to a disenfranchisement for some Contracting Parties. Claims to higher quotas or different sharing of allowable catches remain unaddressed and implementation of some of the broader principles of better fisheries management (such as the precautionary approach and the ecosystem approach to fisheries management) remain fragmented and very slow.

Considerations for Process

Strengthening, renewing and updating NAFO will require a strategic, integrated and intensive review of the current challenges in the Northwest Atlantic, and implementing reforms on a comprehensive and fundamental level. Close collaboration among Contracting Parties will be required. Collectively, we need to determine the actions and mechanisms that are required to protect and rebuild the resources, to restore the productivity of the oceans, and to manage emerging issues (i.e. protection of vulnerable habitats, deep sea stocks).

The September annual meeting is an opportune time for Contracting Parties to respond to the St. John’s Ministerial Declaration. This is the first meeting of a Regional Fisheries Management Organization since the St. John’s Conference. NAFO, despite its shortcomings, is regarded by many as among the principal RFMO/As in the world, and therefore Contracting Parties should take a leadership role in responding positively and concretely to the Ministerial Declaration to ensure that NAFO remains in the forefront of modern RFMO/As.

It is proposed that NAFO launch this process on a comprehensive and urgent basis beginning at its September 2005 annual meeting. Guided by the framework of the Ministerial Declaration, the process could begin with identifying critical gaps in governance, examining possible actions and mechanisms for bridging them, and then establishing a timeframe for modernization, milestones for achieving actions and respective priorities.

The Ministerial Declaration of the St. John's Conference was signed by nineteen Ministers from around the world, including Ministers from seven of the NAFO Contracting Parties representing the holders of most of the NAFO quotas. The Declaration presents an overarching, shared vision for sustainable fisheries and for securing a sustainable economic future and outlines a shared vision for reforming high seas fisheries governance. It sets out specific goals that Ministers want to achieve and outlines how the global community may achieve them.

Included in the Declaration are comprehensive commitments to act to modernize RFMO/As, through implementation of the tools and instruments developed in the last decade. The Declaration identifies three key areas for improving and strengthening RFMO/As: Conservation and Management of Stocks; Decision-making Process; and, Monitoring, Control and Surveillance. Some of the issues involved in examining each of these key areas are outlined in the attached **Annex**.

It is recognized that addressing these issues will be complex and time-consuming. Given the cross-cutting nature of the issues, the process that we envisage is of a holistic nature that should not be undertaken in a piece-meal fashion or within narrowly mandated committees. It is evident that a dedicated process – separate from the annual meeting - would allow Contracting Parties to focus specifically on reform.

It is currently a challenge to complete the ordinary business of NAFO within the constraints of the five-day timeframe of an annual meeting. The annual meeting is considered by many to be fully subscribed with the work of existing bodies, committees, various meetings among heads of delegation, other experts as well as national delegations. While the approach of an intersessional meeting is not necessarily favoured by Contracting Parties given that it involves additional work and travel, intersessional meetings have often been used by NAFO to give the necessary attention to a particular issue. Moreover, trying to achieve a holistic review and change will require much longer than if it is attempted to undertake discussions under a specific agenda item during annual meetings. Given the busy schedule of the annual meeting, it would appear that an intersessional meeting is required to give special attention to achieving an integrated review and analysis for strengthening NAFO.

In view of these considerations, it is proposed that Contracting Parties establish a Working Group on the Modernization of NAFO, with agreed terms of reference, which is to meet intersessionally in 2006 and 2007, achieve certain milestones and report back with its recommendations to General Council and the Fisheries Commission. It is envisaged that an interim report would be provided at the 2006 annual meeting and a final report at the 2007 annual meeting. The proposed modernization process should take into account the other ongoing work of other NAFO bodies, such as the Scientific Council, STACTIC and STACFAC that have led to the improvements described above. The process should engage the relevant bodies on aspects of reform within the overall framework and direction of the Working Group to ensure overall coherence.

Other Considerations

Examples of how to modernize NAFO may be taken from other areas of the world. Other RFMOs have been recently modernized (i.e. the Inter-American Tropical Tuna Commission, the North East Atlantic Fisheries Commission), while new ones have been created (i.e. the Western and Central Pacific Fisheries Commission, SEAFO, SIOFA).

The reform of NAFO should emphasize the need for all States which have the right to fish on the high seas to meet their duties to cooperate in the management and conservation of straddling fish stocks and their duties to control the activities of vessels flying their flag. It should also emphasize the rights, duties and interests of coastal states in relation to the conservation and management of straddling fish stocks, mindful of the coastal State's rights, duties and interests in relation to the resources of the Continental Shelf.

While modernization of NAFO is key to improving the conservation and management regime in place, it should not be used to postpone or stall actions or decisions required to protect and conserve the NAFO resources and their

ecosystems. There may be a need to implement measures, even in a temporary way, until reforms are in place to help guide improved decisions. As well, NAFO Contracting Parties should consider implementing any agreed package on a provisional basis, until steps can be taken by individual Parties to seek and obtain internal approvals and ratifications.

III. SUMMARY

Recent events reflect an international momentum and political will to improve and strengthen RFMO/As and to restore international confidence in RFMO/As. In order to respond to these challenges from Ministers, many of whom have agreed to report back on progress, and from the international community, NAFO Parties, as a collective, need to show leadership and begin a process of modernizing the Organization to better conserve and manage fish stocks of the Northwest Atlantic and their ecosystems.

It is proposed that NAFO launch this process on a comprehensive and urgent basis beginning at its September 2005 annual meeting. Given the cross-cutting nature of the issues, the process envisaged should be undertaken in a holistic fashion. As this is a complex exercise which will require a strategic, integrated and an intensive examination, it will require more dedicated time than that available during the NAFO annual cycle of meetings. A Working Group that meets intersessionally to address this matter in a strategic and focused manner would appear to be required.

Contracting Parties should agree to establish a Working Group on the Modernization of NAFO, with agreed terms of reference, which is to meet intersessionally in 2006 and 2007, achieve certain milestones on modernization and report back with its recommendations to General Council and the Fisheries Commission at the 2006 and 2007 annual meetings.

ISSUES FOR CONSIDERATION BY THE WORKING GROUP ON MODERNIZATION OF NAFO

The Ministerial Declaration of the St. John's Conference identifies three key areas for improving and strengthening RFMOs: Conservation and Management of Stocks; Decision-making Process; and, Monitoring, Control and Surveillance.

In examining these areas in greater detail, the following issues are submitted for consideration:

1. Conservation and Management of Stocks

In the Ministerial Declaration, Ministers call for decisions and a process pursuant to which they are made that relies on the best scientific information available, incorporates the precautionary approach and ecosystems considerations in fisheries management, and ensures that fishing effort is commensurate with fishing possibilities. The Declaration also urges that decisions achieve compatibility between conservation and management measures established for the high seas and those established for areas under national jurisdiction.

To accomplish this, strengthening may be required in many areas. First, the scope of information on which scientific advice is provided may need to be broader. There may be a need to broaden the scope of information collected, and the methods of collecting it so that the impacts of fishing on target stocks and dependent and associated species and ecosystems may be assessed and results provided to managers as factors to be taken into consideration in their decision-making. During the 2005 annual meeting, the Fisheries Commission could begin the process by submitting appropriate questions to the Scientific Council with these considerations in mind.

While it has been recognized that there is a need to move from single species management into a regime which factors in impacts on associated or dependent species and ecosystems, NAFO will need to determine how broad the scope of this role should be, and whether the NAFO constitutive instruments are sufficiently flexible to allow NAFO to exercise such an enhanced role. The NAFO Convention could explicitly require that these modern approaches (e.g. precautionary approach, ecosystems approach) be applied in order to better conserve and manage fish stocks in NAFO, as required by the UN Fish Stocks Agreement (UNFSA).

And while frameworks may be adopted to help guide advice provided by the Scientific Council to the Fisheries Commissions (e.g. the precautionary approach framework), decision rules (PA) and criteria (Ecosystems Approach) may be required to assist the Fisheries Commissions in taking decisions which reflect these modern approaches. Such measures are required to "operationalize" the modern tools and approaches provided by the international instruments.

When setting management regimes for specific fish stocks, it is increasingly clear that in addition to setting limits on the amount of fish that can be taken, NAFO needs to establish measures to align the fishing effort accordingly. There are far too many fishing vessels for the level of fish stocks in the NAFO Regulatory Area. Such excessive capacity and effort creates incentives to misreport catches, which leads to significant overfishing. The effort of Contracting Parties in the NRA needs to be commensurate with the level of quotas obtained from NAFO. Moreover, measures to avoid the transfer of fishing capacity to other fisheries could also be introduced, as required.

2. Decision-making Process

The St. John's Ministerial Declaration calls for improving the decision-making processes of RFMO/As by providing dispute settlement procedures and addressing post opt-out behaviour that may undermine conservation and management of the fish stocks concerned. Clearly, effective decision-making processes minimize disputes and, conversely, the existence of processes for discussion or resolution of disputes can assist in making decision-making processes, in particular the implementation of and compliance with decisions, more effective. Many modernized and new RFMO/As have adopted some form of internal review mechanism or dispute settlement procedure (DSP) or

both. The more options that exist for a Party who feels aggrieved to have a decision reviewed or revised, the less need there is for an opt-out procedure or use of one.

While the ability to opt out of RFMO/As decisions exists to protect State sovereignty, it is generally accepted that a State's behaviour following the exercise of such an opt-out procedure can result in hindering the conservation of the fisheries resources and undermining the effectiveness of the measures of the RFMO. This is particularly true in cases where a State opts out of a TAC or quota decision, and sets a unilateral quota resulting in catches which alone, or in combination with catches of other Parties in the fishery, far exceed the scientific advice for the total allowable catch for that fishery. Such post opt-out behaviour should not be accepted or tolerated by RFMOs, as they put in jeopardy the conservation and rebuilding of the fish stocks concerned, and affect any effort made by other Parties and the RFMO to conserve and manage the resource. The St. John's Ministerial Declaration has underlined the will to address such issues. This could include restricting post opt-out behaviour to measures that do not undermine or negatively affect the objectives of the NAFO measure from which the Party has opted out.

It is recognized that the opt-out procedure is often used as a means of voicing a dissatisfaction with or dissident view of a decision taken by NAFO. This may be a symptom of the fact that NAFO does not have an internal review mechanism, nor does it explicitly have a mechanism to resolve disputes. Both of these mechanisms could be provided in the NAFO Convention, as was done in the WCPFC Treaty. While Canada is of the view that a Party to UNFSA could avail itself of the dispute settlement mechanism provided by that Agreement to address disputes regarding the conservation and management of straddling fish stocks within NAFO, in the spirit of compromise, Canada has indicated on several occasions in the past, its willingness to develop dispute settlement procedures within NAFO, which mirror those provided by UNFA, apply to all NAFO stocks, bring in the substantive law provided by UNFA and do not hinder or set aside Canada's right and ability to use the UNFA procedures.

The current bracketed text that has been submitted to General Council could form the basis of a renewed discussion in light of amendments discussed in Brussels between Canada, the EU, Latvia and the United States and submitted to NAFO at the 2004 Annual Meeting. A DSP text could be achieved and adopted fairly quickly by General Council, and then set aside for incorporation into the complete package for modernizing NAFO. While incorporating binding dispute settlement procedures in NAFO requires amendments to the NAFO Convention, parties could agree to apply the procedures on a voluntary basis to disputes that may arise before the NAFO Convention is amended.

3. Monitoring, Control and Surveillance

Fish stocks have been under tremendous pressure in the northwest Atlantic, as they have elsewhere in the world. Despite efforts to control fishing, the fisheries of the NAFO Regulatory Area (NRA) have been characterized by significant compliance problems including misreporting of catches by species and area, fishing above agreed limits, use of illegal gear, excessive dumping and discarding, poor flag State control of the fishing activities of vessels, lack of appropriate and meaningful follow-up and sanctions to fishing violations, and fishing by vessels of States not party to NAFO.

It has been widely recognized that effective compliance regimes are a prerequisite for both the coastal States and distant water fishing States to ensure the conservation of straddling and highly migratory fish stocks and thereby meet the international obligation to cooperate on the conservation of these stocks. The notion of cooperation is to provide confidence that there will be compliance with these measures. Therefore, among strengthening other measures of Monitoring, Control and Surveillance (MCS), at-sea and port inspection processes as well as sanctions need to occupy central stage.

Within NAFO, it is entirely the responsibility of the flag-state to follow up on infringements or citations. While NAFO has an elaborate MCS regime in place, experience has shown that there is still room for improvement, given the timelines and differences in follow-up among Contracting Parties. To remedy the situation, improved port and at sea inspection procedures are required. General NAFO standards should also be established for flag-State application to sanction non-compliant vessels in a timely and effective manner, adequate in severity to effectively secure compliance and deter further violations.

The results of the High Seas Task Force (HSTF) on IUU fishing will be particularly relevant, in particular with respect to a framework for enhanced MCS. NAFO could also introduce closer collaboration among inspection

platforms in the NRA as well as in NEAFC. The HSTF has indicated that “Some of the intended benefits from the Network include intelligence sharing, access to databases of relevant information, access to experts in a range of disciplines, access to information on fishing vessels, rapid personal contact with officers in other countries during investigations.”

Any enforcement program on the high seas must be reinforced by an effective system for legal action. Cooperative inspection arrangements as outlined in UNFSA are essential if real deterrence is the objective. Moreover, flag States also have to demonstrate a commitment to investigate and follow up with significant administrative penalties or prosecutions when violations are detected. These need to be followed by meaningful penalties, on conviction, commensurate with the seriousness of the violations. If vessel owners regard sanctions as minor additional costs of operating, they will not be effective. Real penalties are deterrents that can lead to changes in behaviour and actual compliance. In this regard, Canada will be hosting a meeting of Experts in early 2006 to examine all possible sanctions for non-compliant behaviour and to prepare recommendations for a sanctions framework and/or guidelines on appropriate sanction levels by flag States against non-compliant vessels. The results of this deliberation could be submitted for NAFO consideration and possible adoption in 2006.

In summary, NAFO, like other RFMOs, has been struggling with non-compliance by its Contracting Party vessels and non-contracting party vessels. Improvements in the governance regime have been undertaken and implemented; however, the dismal state of fish stocks in the Northwest Atlantic requires urgent and immediate attention. It is imperative that NAFO improve monitoring, control and surveillance of fishing vessels in the NRA and address the issue of sanctions for non-compliant vessels to achieve effective deterrence.

Annex 20. Scheme to Promote Compliance by Non-Contracting Party Vessels with Recommendations Established by NAFO

(These amendments are intended to replace Chapter VI of the CEM. Numbering of articles in this section will thus be corrected.)

Article 1

Scope and Objectives

1. The purpose of this Scheme is to promote compliance by non-Contracting Party vessels with recommendations established by NAFO and to prevent, deter and eliminate fishing activities by non-Contracting Party vessels that undermine the effectiveness of the Conservation and Enforcement measures established by the Organization.
2. Nothing in this scheme shall affect the sovereign rights of Contracting Parties to impose additional measures to promote compliance by NCP vessels, in accordance with international law.
3. This Scheme shall be interpreted in a manner consistent with international law, including the rights of port access in case of force majeure or distress in accordance with the United Nations Law of the Sea, and the principles, rights and obligations in WTO agreements, and be implemented in a fair and transparent manner.

Article 2

Definitions

(These definitions are to be inserted in Article 2 of the CEM)

1. “non-Contracting Party vessel” means any vessel not flagged to a Contracting Party, including vessels for which there are reasonable grounds for suspecting them to be without nationality.
2. “IUU fishing” means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
3. “IUU List” means the list, established pursuant to Articles 7.5 and 8 of Chapter VI, containing the particulars of vessels that have been found by the General Council to have engaged in IUU fishing.
4. “Provisional List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been identified as having engaged in fishing activities, according to information received pursuant to Articles 3 to 6 or information received in reports pursuant to Article 8 of Chapter VI.

Article 3

Sightings and identifications of non Contracting Party vessels / Presumption of NCP vessels undermining NAFO Conservation and Enforcement Measures

1. A non-Contracting Party vessel that has been sighted or by other means identified by a Contracting Party as engaging in fishing activities in the Regulatory Area is presumed to be undermining the effectiveness of Conservation and Enforcement Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel, inside or outside the Regulatory Area, the presumption of undermining Conservation and Enforcement Measures applies to any other non-Contracting Party vessel that has engaged in such activities with that vessel.
2. Information regarding such sightings or identifications shall be immediately transmitted to the Secretariat. For sightings, the Surveillance Report provided in Annex XII shall be used. The Secretariat shall then transmit this information to all Contracting Parties and other relevant Regional Fisheries Management Organizations within one business day of receiving this information, and to the flag State as soon as possible.
3. The Contracting Party shall attempt to inform the vessel that it has been sighted or identified engaging in fishing activities, and is accordingly presumed to be undermining the Conservation and Enforcement Measures, and

that this information will be distributed to all Contracting Parties, other Regional Fisheries Management Organizations and to the flag State of the vessel.

Article 4

Inspections at sea

1. NAFO inspectors shall, if appropriate, request permission to board non-Contracting Party vessels that are sighted engaging in fishing activities in the Regulatory Area. If the vessel consents to be boarded the inspectors' findings shall be transmitted to the Secretariat without delay. The Secretariat shall transmit this information to all Contracting Parties and other relevant Regional Fisheries Management Organizations within one business day of receiving this information, and to the Flag State as soon as possible. The non- Contracting Party vessel that is boarded shall be provided with a copy of the findings of the NAFO inspectors.
2. Where evidence so warrants, a Contracting Party may take such action as may be appropriate in accordance with international law.

Article 5

Inspections in port

1. When a non-Contracting Party vessel referred to in Article 3(1) enters a port of any Contracting Party, it shall be inspected by authorized Contracting Party officials knowledgeable of the Conservation and Enforcement Measures (and this Scheme), and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch onboard and any other matter relating to the vessel's activities in the Regulatory Area.
2. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall immediately be transmitted to all Contracting Parties and other relevant Regional Fisheries Management Organizations through the NAFO Secretariat, and as soon as possible to the relevant flag State(s).

Article 6

Fishing activities

1. Contracting Parties shall ensure that their vessels do not receive or deliver transshipments of fish to or from a non-Contracting Party vessel referred to in Article 3 or engage in joint fishing operations with such vessels.
2. Landings and transshipments of all fish from a non-Contracting Party vessel referred to in Article 3 shall be prohibited in all Contracting Party ports, unless:
 - a) The vessel establishes that the fish subject to the NAFO convention were caught outside the Regulatory Area; or
 - b) The vessel establishes that it has applied all relevant Conservation and Enforcement Measures.
3. Contracting Parties denying landings or transshipments shall inform the vessel, the flag State of the vessel and the NAFO Secretariat of this decision.

Article 7

Notification of presumed IUU activities and establishment of a Provisional List

1. Upon receipt of information from Contracting Parties pursuant to Articles 3 to 6, the Secretariat shall enter the flag State, vessel name and letters and numbers of registration, and other identifying features of the vessel as available, on a Provisional List. The Secretariat shall place the Provisional List on a secure section of the NAFO website.

2. In addition to information submitted from Contracting Parties pursuant to Articles 3 to 6, Contracting Parties may at any time submit to the Secretariat any further information, which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU fishing in the Regulatory Area.
3. At the same time, the Secretariat shall, in consultation with the Chair of STACFAC, advise relevant non-Contracting Parties of the vessels flying their flag that have been included in the Provisional List and provide the following information to the non-Contracting party:
 - a) the reasons for the inclusion on the Provisional List and all relevant evidence upon which inclusion of the vessel on the list is based;
 - b) a copy of the NAFO Conservation and Enforcement Measures, including this Scheme;
 - c) request that it take measures in accordance with its applicable legislation to ensure that the vessel or vessels in question desist from any activities that undermine the effectiveness of Conservation and Enforcement Measures;
 - d) a request to report back to NAFO within 30 days from the date the letter is sent on the results of enquiries and/or measures it has taken in respect of the vessel or vessels concerned; and,
 - e) the dates when STACFAC and the General Council will be considering recommendations with respect to the composition of the IUU List, and an invitation to the non-Contracting Party to attend the meeting of STACFAC and the General Council as an observer, with the opportunity to further respond to the request specified in sub-paragraph d).
4. The Secretariat shall promptly provide non-Contracting Parties concerned with any additional information received pursuant to Articles 3 to 6 in respect of vessels flying their flag that have already been included on the Provisional List.
5. The Secretariat shall promptly distribute any information received from non-Contracting Parties to all Contracting Parties.
6. If a non-Contracting Party that has received information regarding one of the vessels entitled to fly its flag pursuant to paragraph 2 agrees to a listing the vessel concerned shall be transferred from the Provisional List to the IUU List.

Article 8

Establishment of the IUU list

1. STACFAC shall consider the Provisional List and as appropriate recommend to the General Council that the vessels either:
 - a) be removed from the Provisional List;
 - b) be retained on the Provisional List pending the receipt of further information; or,
 - c) be transferred to the IUU List.
2. STACFAC shall only consider vessels for inclusion on the IUU list if the period referred to in Article 7.3.d) has elapsed.
3. STACFAC shall undertake a review of the current IUU List and as appropriate recommend to the General Council that vessels are maintained thereon or removed. STACFAC shall only recommend that the General Council remove a vessel from either the Provisional or IUU list if the flag State of the vessel concerned provides satisfactory information to establish that:

- a) it has taken effective action in response to the IUU fishing in question, including prosecution and imposition of sanctions of adequate severity;
 - b) it has taken measures to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing;
 - c) the vessel has changed ownership and the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner does not have any legal, financial or real interest in, or exercise control over, a vessel that is on the IUU list or any equivalent type of list established by other Regional Fisheries Management Organizations; or,
 - d) the vessel did not take part in IUU fishing.
4. The General Council shall review the recommendations made by STACFAC pursuant to this Article, and shall determine the composition of the IUU List.
 5. The Secretariat shall place the IUU List on the NAFO website. This list shall include the name and flag state of the vessel and, where available, the previous name (s), the previous flag state (s), the radio call sign.
 6. The Secretariat shall provide to relevant flag States the names of vessels on the IUU List flagged to that state.

Article 9

Follow-up action

Contracting Parties shall take all necessary measures to the extent possible in accordance with their applicable legislation, in order that:

- a) vessels appearing in the IUU List are not authorized to land, transship, refuel or re-supply, except for reason of majeure or, engage in fish processing operations or in any other activity in preparation for or related to fishing in their ports or waters under their jurisdiction;
- b) fishing vessels, including support vessels, refuel vessels, the mother ships and cargo vessels flying their flag do not in any way assist, or participate in transshipment or any other activity in preparation for or related to fishing or joint fishing activities with vessels appearing on the IUU List;
- c) the issuing of licenses to vessels appearing on the IUU List to fish in waters under their fisheries jurisdiction is prohibited;
- d) the chartering of vessels appearing on the IUU List is prohibited;
- e) the granting of their flag to vessels appearing on the IUU List is prohibited;
- f) importers, transporters and other sectors concerned are encouraged to refrain from negotiating with and from transshipping fish caught by vessels appearing on the IUU List;
- g) appropriate information regarding vessels appearing on the IUU List is collected and exchanged with other Contracting Parties, non-Contracting Parties and other Regional Fisheries Management Organizations with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.

Article 10

Actions vis-a-vis Flag States

1. Contracting Parties shall jointly and/or individually request non-Contracting Parties whose vessels appear on the IUU List to co-operate fully with the Organization in order to avoid undermining the effectiveness of the Conservation and Enforcement Measures adopted pursuant to the Convention.

2. The General Council shall review, at subsequent annual meetings as appropriate, actions taken by such non-Contracting Parties and identify those that have not rectified their fishing activities.
3. Contracting Parties should - to the extent possible, consistent with their international obligations and in accordance with applicable legislation - restrict the export and transfer of their formerly licensed fishing vessels to non-contracting parties identified in paragraph 2.

PART II

Report of the Standing Committee on Finance And Administration (STACFAD)

1. Opening by the Chair

The first session of STACFAD was opened by Fred Kingston (EU) on 19 September 2005.

The Chair welcomed delegates and members of the NAFO Secretariat to the meeting.

Present were delegates from Canada, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Norway, Russia, and the United States of America (Annex 1).

2. Appointment of Rapporteurs

Johanne Fischer and Stan Goodick (NAFO Secretariat), with assistance of Bob Steinbock (Canada), were appointed Rapporteurs.

3. Adoption of Agenda

The provisional agenda, as circulated to Contracting Parties (Annex 2), was adopted.

4. Auditor's Report for 2004

The Auditor's Report was circulated to the Heads of Delegation of the General Council and STACFAD delegates in advance of the Annual Meeting.

Delegates were advised that the auditing firm of Grant Thornton LLP, Chartered Accountants had been engaged to audit the financial statements of the Organization. The Finance Officer for NAFO presented the Auditor's Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2004. The audit determined the financial affairs of the Organization had been conducted in accordance with the Financial Regulations and budgetary provisions of NAFO and presented a fair and accurate accounting of the financial affairs of the Organization. Committee members reviewed these statements in detail with all liabilities and variances in expenditures versus budgeted items explained in detail.

STACFAD recommended that the 2004 Auditor's Report be adopted.

5. Administrative and Financial Statements for 2005

Delegates reviewed the Administrative Report and Financial Statements for 2005 provided in document GC Doc. 05/1, Revised.

In 2004, STACFAD agreed that, starting 2005, this report should include two reporting periods. The Administrative Report now covers the last 12 months prior to the Annual Meeting, i.e., September of the previous year to August of the present year. This report now also includes a section titled "Proposed Meetings" to assist the budget forecasting process within STACFAD. The Financial Statements will cover the calendar year of the Annual Meeting at which they are discussed, which is the fiscal year of the Organization.

The Executive Secretary reviewed the elements of the Administrative Report, i.e., the Membership, NAFO Officers, Secretariat Staff, Meeting Schedule, Publication List and Fishery Statistics. The EU relayed to participants its concern regarding the timeliness and accuracy of submission of Catch Reports that are needed not only for the scientific assessment of fisheries activities but are also in the calculation of Contracting Party contributions. **Delegates were urged to convey this message to their respective authorities and ensure future compliance with this NAFO requirement.**

The Finance Officer for NAFO reviewed the Financial Statements for 2005 (estimated from the end of July 2005) explaining the variances between projected and actual expenditures to date.

Highlights were:

- Expenditures for the year 2005 are projected to total \$1,516,000 which is below the approved budget.
- Considerable unforeseen costs were incurred in the beginning of 2005 when the X25 communication gateway used for the transmittal of VMS messages from national Fisheries Monitoring Centres to the Secretariat was terminated by the service provider on 7 January 2005 without prior notification. The Executive Secretary negotiated with the local service provider compensation in the order of \$32,000 for necessary modifications to the NAFO VMS software. Although a deficit in the VMS budget was unavoidable, the Secretariat was able to balance the additional VMS expenses with savings in other areas.
- Publication costs were considerably reduced mainly due to the implementation of such measures as more electronic publications, new CEM format, new Meeting Proceedings Format and a new printer.

Assessed Contributions and Expenditures – great concern was expressed regarding outstanding contributions from 5 Contracting Parties, representing about 21% of the total approved budget for 2005 (\$319,314.29). Outstanding to date are:

Cuba	\$55,604.15
Korea	\$31,175.31
Ukraine	\$31,175.31
USA*	\$199,230.97
Russia*	\$2,128.55

* See explanations below

Russia explained that its outstanding contribution is a result of exchange rate fluctuations between the time it paid and the time the payment was processed. Russia added that it intends to pay this outstanding amount shortly.

The USA Head of Delegation advised STACFAD that it would not be able to pay its full contribution level of \$199,231 but that NAFO could expect a partial payment of about \$56,000. The USA again expressed its frustration that the level of investment and participation in NAFO is inconsistent with the return and benefits it receives. As a fisheries management organization, the USA has no realistic opportunity to participate in NAFO fisheries. It is therefore realigning its commitment to NAFO with the level of its interests, and according to NAFO a commensurate priority in allocating its limited resources.

STACFAD recommended that Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.

STACFAD recommended that outstanding contribution from Bulgaria (\$31,175.31) be deemed uncollectible and that this amount be applied against the accumulated surplus. Annex 3 outlines total outstanding contributions from Bulgaria, which includes previous arrears. The EU reported on Bulgaria's possible intention to withdraw from the Organization.

6. Review of the Accumulated Surplus Account

Delegates reviewed the Statement of Accumulated Surplus for the Year Ending 31 December 2005 (Estimated from 31 July 2005) as reflected in Statement IV of the Financial Statements contained in NAFO/GC Doc 05/1 (revised).

A discussion arose concerning the possibility of raising the minimum balance of the Accumulated Surplus account from the current level of \$125,000 in order to allow the Organization to meet its financial obligations in early 2006 without having to borrow funds. Given the USA statement under agenda item 5, STACFAD recognized that almost 10% of the 2005 budget will not be paid this year (with the possibility of a similar situation in 2006). In addition, payments from several other Contracting Parties are uncertain. Denmark (in respect of Greenland and Faroe Islands)

noted, however, that increasing the Accumulated Surplus Account could send the wrong message to Contracting Parties that not paying their contributions would have no consequences for the Organization. Therefore, a further increase of the Accumulated Surplus Account might not be the right type of action under the present situation. This notion was shared by other delegates.

As a result, **STACFAD recommended that the minimum balance in the Accumulated Surplus Account remain at \$125,000. STACFAD also recommended that the Secretariat bill Contracting Parties in two instalments to encourage part of the contributions to be paid earlier and thus enable the Secretariat to have sufficient cash flow to operate in early 2006.** STACFAD also advised the Executive Secretary to prioritize and align resources when authorizing expenses.

7. Meeting of the Pension Society

The meeting of the International Fisheries Commissions Pension Society (for international fisheries commissions based in North America) was held in Victoria, British Columbia, Canada 13-15 April 2005. Report of the proceedings was distributed under STACFAD W.P. 05/3 and presented by the Administrative Officer for NAFO. It is noteworthy that the tri-annual Actuarial Valuation Report indicated that the NAFO Pension Plan has an actuarial surplus of \$111,000. Also noted in the report is that normal cost for the employer's contribution will be increased from 9.3% in 2005 to 9.8% starting January 2006. Time and place of the next annual meeting is La Jolla, California, USA 5-7 April 2006.

8. Headquarters Agreement

The item Headquarters Agreement of NAFO was discussed at the 2004 Annual Meeting and deferred to this Annual Meeting.

EU said that it did not wish to address this issue at this meeting but that it wishes to maintain this agenda item for future meetings.

9. Renewal for lease of the NAFO Headquarters

The lease for NAFO Headquarters comes up for renewal in 2007. The Secretariat is very happy with the present accommodations and has conveyed this to the Public Works and Government Services Canada (PWGSC). STACFAD expressed appreciation to Canada for the good accommodations and requested that the lease be renewed to avoid a move which could be disruptive for the operations of the Organization. Canada advised that it is aware of the NAFO Secretariat's request and is communicating with PWGSC on the matter.

10. Level of compensation of NAFO staff members in relation to their Canadian Government peers (outstanding from the new Secretariat Structure adopted in 2004)

Last year NAFO adopted a new structure for the Secretariat (STACFAD WP 04/1) that included new job descriptions along with new titles, classifications using the "Hay" method and a determination of corresponding Canadian government salary categories for each new NAFO position. It had been proposed adding compensation to the gross salary of each new category. STACFAD had adopted the Working Paper (04/1) but uncertainty remained with regard to the appropriate level of compensation. Therefore, the Secretariat was asked to provide more information on (a) the disadvantages regarding benefits available to NAFO staff relative to a Canadian government employee and (b) the added responsibilities of NAFO staff in comparison with a Canadian government employee of the same job classification. This information was provided in STACFAD Working Paper 05/2 which proposed a total compensation of between 15% and 24% of salaries. Some participants expressed concerns that there could be difficulties in accepting the concept of base salaries plus percentage compensation and asked the Secretariat to revise the salary categories it proposed in 2004 to reflect additional staff responsibilities. The Secretariat then drafted and presented STACFAD WP 05/9 that proposes new Canadian salary categories for each Secretariat position identified in the Human Resources Strategy paper adopted in 2004. These new categories do not make up for all the recognized disadvantages. Therefore, the proposal of the Secretariat included (a) to apply for access to Canadian employment insurance for Canadian staff members and (b) to maintain the current overtime regulations and providing the Secretariat with an overtime pay-out provision to reduce absence from the office.

STACFAD recommended that the proposal for new salary categories as identified in STACFAD Working Paper 05/9 be approved along with budget provisions for employment insurance and overtime.

11. Staff Rules

The Secretariat presented its proposal for revised NAFO Staff Rules (STACFAD WP 05/1). STACFAD reviewed the proposed changes (STACFAD WP 05/1 Revised).

After much discussion, **STACFAD recommended the adoption of STACFAD WP 05/1 Revised (Annex 4).** After adoption, the Secretariat is tasked with making the minor corrections necessary to provide consistency of those Articles of the Staff Rules that were left untouched by the revision with those that actually changed. **STACFAD asks the Secretariat to then circulate the new version to Contracting Parties within two months.**

STACFAD also requested the Executive Secretary and staff to implement a process of performance evaluation of staff as noted in Rule 5.4. Regarding a proposal for a repatriation grant for non-Canadian members of the Secretariat, which was not accepted, the Secretariat voiced concern that they are disadvantaged in comparison with Canadian members of the Secretariat given that Canadian employment insurance is only applicable to Canadians. A repatriation grant had been suggested to make up for this and other disadvantages for non-Canadian employees. The Secretariat requested that STACFAD discuss this issue at the next Annual Meeting based on additional background information to be provided by the Secretariat.

12. Adoption of 2006 Staff Committee Appointees

The Secretariat nominated three individuals to become members of the Staff Committee for the next year. They are: Fred Kingston, Joanne Morgan, and Judy Dwyer. **STACFAD recommended that General Council appoint the three nominees.**

13. Preliminary Decision on 2006 Contracting Renewal of the present Executive Secretary

The Chair introduced the item and stated that, because of the desirability to advertise the position one year in advance, the decision should be taken in 2005, although the present contract was valid until the end of 2006. The item was then deferred to Heads of Delegation.

14. Discussion on modification of ceiling on the renewal of the Contract contained in Staff Rule 4.1

The Chair proposed that this item be deferred to Heads of Delegation.

15. Appraisal of eligibility of Executive Secretary for performance bonus

Pursuant to a decision of General Council at the 24th Annual Meeting and under Article IV, paragraph 4 of the current contract between NAFO and the Executive Secretary, the Executive Secretary is eligible for an annual performance bonus in addition to her base salary. This performance bonus is to be determined annually by the Heads of Delegation of General Council and would provide for up to a 10% increase on the base salary if key commitments are achieved or surpassed.

Heads of Delegation advised that the new salary category of the Executive Secretary, decided at the 26th Annual Meeting, includes an at-risk pay (i.e. performance bonus) of up to 10%. **STACFAD recommended, that for 2006, the specific goals for evaluating for the eligibility of the Executive Secretary for this performance pay allowance would be the following:**

Under the general supervision of the General Council, the Executive Secretary should focus on the following key elements in the management of the Organization during 2005-2006:

1. Improve and integrate service delivery and NAFO operations in a cost-effective way.

2. Within the constraints of the NAFO budget, enhance NAFO's management capacity through recruitment, targeted learning and staff development, and improved human resources management processes. In particular, this includes enhancing accountability and management practices by simplifying performance expectations and providing new tools to measure results more effectively.
3. Ensure balanced financial management by enhancing NAFO's ability to realign resources with priorities on an ongoing basis.
4. Promote professional values and ethics in the workplace through good interpersonal relationships and foster a positive, collaborative climate within the NAFO Secretariat and in relations within the Organization.
5. In particular, promote collaboration and improved communication between the Secretariat and the Scientific Council. With the Chair of the Scientific Council, develop a plan to improve support for the activities and programs of the Scientific Council.

16. Enhancement of Public Relations

The Executive Secretary introduced GC WP 05/5 that explained the activities the Secretariat had undertaken to advance NAFO's public image (new public web pages, Annual Report booklet) and what additional efforts would be necessary to expand and professionalize this area of services.

17. Translation of NAFO Reports and 19. Digitization of Archived Material

The Executive Secretary introduced STACFAD WP 05/5 explaining that more Observer Reports are submitted in languages other than English since 2005 and that there is no clear understanding among Contracting Parties whether the Convention and the Rules of Procedure require the submission of fishery reports in English. Therefore, the Secretariat proposed a modest translation budget for such reports in the order of \$2,500. In addition, most fishery reports and data continue to be submitted in either a paper format or in a text format unsuitable for easy transferral into a database. For that purpose, a budget of \$6,500 was proposed on the basis of the current requirements for digitization. STACFAD noted that the Secretariat is in the process of developing harmonized electronic forms that require final review by STACTIC. When these electronic forms become available, this budget item will no longer be required. Finally, the Executive Secretary explained that large amounts of fishery reports from previous years are archived in paper format at the Secretariat and are thus virtually inaccessible. A total amount of at least \$54,000 will be necessary to digitize this archived material by hired assistants. Such work would have to be spread over a number of years. The Secretariat proposed a budget of \$6,000 for the next 9 years to accomplish this task. **STACFAD recommended that (a) Contracting Parties be urged to submit their reports in English; (b) that the electronic form be developed quickly; and (c) that the Secretariat receive the necessary funds to translate and digitize the current and past fishery reports submitted by Contracting Parties.**

18. Evaluating of alternative VMS service providers and possible rules of re-tendering.

The Executive Secretary asked STACFAD whether the Organization would agree in principle to change the VMS service provider (TRACKWELL) if a re-tendering would prove long-term cost savings and more attractive service. **STACFAD endorsed that the Secretariat pursue a re-tendering of the VMS service provider with the understanding that the technical specifications given in the call for tender are adequate for the NAFO VMS database.** Any applications resulting from re-tendering will be reviewed by STACTIC and STACFAD at the next Annual Meeting.

19. Digitization of Archived Material

Discussion of this agenda item took place under agenda item 17.

20. Budget Estimate for 2006

STACFAD recommended that the budget for 2006 of \$ 1,519,000 (Annex 5) be adopted.

Points of note are the following:

- Through retirement and the reorganization of duties, staffing levels will be reduced by one full time employee for 2006. Also, in 2006, employment insurance and overtime pay will be included in the NAFO budget for the first time.
- Included in the travel budget is the new Programme for Professional Development Internship. Russia requested that the Executive Secretary provide a comprehensive explanation for the Secretariat's use of training funds in general and, specifically, to provide STACFAD with a more detailed work plan for such projects in advance. Also, Russia asked that the next STACFAD agenda consider a discussion in principle of more detailed work plans regarding training and professional development. In this context, STACFAD agreed to approve the expenditure for 2006 on a trial basis pending an evaluation at the next Annual Meeting.
- The Communication budget is projected to remain at the same level as in 2005. Russia asked that the Secretariat continue exploring alternatives for long distance plans.
- The Publications budget includes the initial production of M.P. Fahay "Early Stages of Fishes in the Western North Atlantic Ocean North of 35°N and West of 40°W" as a hardcover, two volumes monograph. Scientific Council recommended that this publication be sold for US\$100 which should recover the production costs over a period of several years.
- The new HTTPS gateway for the Vessel Monitoring System will save approximately \$10,000 per year. However, this reduction will be largely offset by higher annual maintenance fees charged by Trackwell.
- Recruitment costs for the new SC Coordinator are estimated in the order of \$28,000.

STACFAD recognized that the implementation of items is dependent on the timely receipt of contributions from Contracting Parties.

A preliminary calculation of billings for the 2006 financial year is provided in Annex 6.

21. Budget Forecast for 2007 and 2008

STACFAD reviewed the preliminary budget forecast for 2007 (\$1,401,500) and 2008 (\$1,453,000) (Annex 7) and approved the forecasts in principle. It was noted that the budget for 2007 will be reviewed in detail at the next Annual Meeting. STACFAD noted that, due to the implementation of Secretariat restructuring, the salary and benefits budgets will be lower.

22. Election of Chair and Vice-Chair

Fred Kingston (European Union) was elected Chair and Frederik Schmidt (Denmark in respect of Greenland and the Faroe Islands) was elected Vice-Chair.

23. Time and Place of 2006 - 2008 Annual Meetings

The Scientific Council Representative pointed out that the dates for the 2006 Annual Meeting again coincide with the ICES Annual Meeting with the result that a number of scientists will not be able to come to the NAFO Annual Meeting. STACFAD stated that the dates for 2006 could not be changed due to booking requirements of the venue. However, the dates for the 2007 and 2008 meetings could be changed to avoid a conflict of meetings for many Scientific Council participants (even though the ICES meeting dates for 2007 and 2008 are still unknown).

The dates of the 2006 Annual Meeting (in Dartmouth) are as follows:

Scientific Council	-	13 - 22 September
General Council	-	18 - 22 September
Fisheries Commission	-	18 - 22 September

STACFAD recommended that

The dates of the 2007 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council	-	24 September - 3 October
General Council	-	24 - 28 September
Fisheries Commission	-	24 - 28 September

The dates of the 2008 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council	-	22 - 26 September
General Council	-	22 - 26 September
Fisheries Commission	-	22 - 26 September

24. Other issues including any questions referred from the General Council during the current Annual Meeting

STACFAD noted that two NAFO staff members will retire later this year. STACFAD expressed its appreciation to Forbes Keating who served NAFO for 3.1 decades and has been active in STACFAD for most of this time. Forbes' contribution to STACFAD will be missed. We all wish Forbes the very best for his future endeavours. Ron Myers has been the Secretariat's Graphic Arts and Printing Technician for 33 years and STACFAD thanks him for his dedication and wishes him all the best for his retirement.

25. Adjournment

The final session of the STACFAD meeting adjourned on 22 September 2005

Annex 1. List of Participants

Name	Contracting Party
Gregory Peacock	Canada
Bob Steinbock	Canada
Emmanuel Rosing	Denmark (in respect of Faroe
Frederik Schmidt	Islands and Greenland)
Fred Kingston	European Union
Manfred Stein	European Union
Patrick Brenner	France (in respect of St. Pierre et Miquelon)
Anniken Krutnes	Norway
Leonid Kokovkin	Russian Federation
Jack Dunnigan	United States of America
Nancy Jamison	United States of America
Johanne Fischer	NAFO Secretariat
Stan Goodick	NAFO Secretariat
Forbes Keating	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chairman, G.F. Kingston (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Administrative and Financial Statements for 2005
6. Review of Accumulated Surplus Account
7. Meeting of the Pension Society
8. Headquarters Agreement of NAFO
9. Renewal of lease for NAFO Headquarters
10. Level of compensation of NAFO staff members in relation to their Canadian Government peers (outstanding from the new Secretariat structure adopted in 2004)
11. Staff Rules (report of Working Group)
12. Adoption of 2006 Staff Committee Appointees
13. Preliminary Decision on 2006 Contracting Renewal of present Executive Secretary
14. Discussion on modification of ceiling on the renewal of the Contract contained in Staff Rule 4.1
15. Appraisal of eligibility of Executive Secretary for performance bonus
16. Enhancement of Public Relations
17. Translation of NAFO Reports
18. Evaluation of alternative VMS service providers and possible rules of re-tendering
19. Digitization of Archived Material
20. Budget Estimate for 2006
21. Budget Forecast for 2007 and 2008
22. Election of Chair and Vice-Chair
23. Time and Place of 2006-2008 Annual Meetings
24. Other issues including any questions referred from the General Council during the current Annual Meeting
25. Adjournment

Annex 3. Schedule of Outstanding Contributions from Bulgaria

The following is a summary of outstanding contributions from Bulgaria:

1 January – 31 December 1993	18,109.12
1 January – 31 December 1994	14,893.10
1 January – 31 December 1995	16,614.28
1 January – 31 December 1996	15,944.93
1 January – 31 December 1997	15,002.75
1 January – 31 December 1998	16,121.90
1 January – 31 December 1999	16,267.88
1 January – 31 December 2000	16,842.79
1 January – 31 December 2003	21,479.52
1 January – 31 December 2004	24,266.74
1 January – 31 December 2005	31,175.41
	\$206,718.42

Annex 4. Staff Rules

SECTION 1. Scope and General Provisions

Rule 1.1

These Staff Rules establish the fundamental principles of employment, regulate the working relationships and set out the rights and responsibilities of employees in the service of the Northwest Atlantic Fisheries Organization (hereinafter referred to as the "Organization").

Rule 1.2

The amount of leave with pay, sick leave credits and severance benefits credited to members of the Secretariat, at the time when these Staff Rules become effective, or at the time when those members become subject to them, shall be retained intact.

Rule 1.3

In these Rules:

- 1) **"Staff members"** are the permanent members of the staff of the Secretariat.
- 2) **"Members of the Secretariat"** are the Executive Secretary and the staff members.
- 3) **"Employees"** are all personnel hired or contracted by the Organization for service in the Secretariat.
- 4) **"General Council"**, **"Secretariat"** and **"Executive Secretary"** are the entities defined in the text of the International Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa, on 24 October 1978, hereinafter referred to as "the Convention".
- 5) **"Regular Pension Scheme"** is the pension plan of the International Fisheries Commissions Pension Society established by Canada and the United States for all employees of international fisheries commissions with headquarters in either of those two countries.
- 6) **"Social Security Plans"** are the life and disability plans of the Northwest Atlantic Fisheries Organization.
- 7) **"Separation from service"** is the ending of employment for any reason whatsoever, as in lay-off, resignation, retirement, termination of appointment by either side or death.
- 8) The **"Staff Association"** is composed of all NAFO staff on a permanent or at least a one-year contract excluding the Executive Secretary (see Annex 1).
- 9) The **"Staff Representative"** is elected as a spokesperson by the Staff Association (see Annex 1).
- 10) The **"Staff Committee"** is composed of 3 members appointed by General Council to mediate in the event of internal conflicts within the Secretariat (see Annex 2).

SECTION 2. Duties, Obligations and Privileges

Rule 2.1

Members of the Secretariat are international civil servants. Upon assuming their responsibilities they shall discharge their duties faithfully and conduct themselves in the best interests of the Organization.

Rule 2.2

Employees are not expected to renounce their national feelings nor political nor religious convictions while working for the Secretariat. They are however expected to conduct themselves in a manner consistent with the international nature of the Organization. They must always exercise loyalty, discretion and tact in the performance of their duties and shall avoid actions, statements and public activities which might be detrimental to the Organization and its aims.

Rule 2.3

All employees are responsible to the Executive Secretary in the fulfilment of their duties, and shall not accept directions or instructions from any authority other than the Executive Secretary. In the case of the Executive Secretary, the Chairman of the General Council shall give such directions to the Executive Secretary as will ensure that the business of the Organization is carried out efficiently and in accordance with its decisions.

Rule 2.4

Authorization for the release of information for official purposes shall lie with the Organization or the Executive Secretary, as the Convention may require. Otherwise employees should abstain from releasing information they possess by reason of their position.

Rule 2.5

Employees shall not be restricted in engaging in other employment outside the hours they are required to work for NAFO as long as this work does not represent a conflict of interest with their position in the Organization.

Rule 2.6

No member of the Secretariat may be actively associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, that person may benefit from such association or interest. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest in the meaning of this Rule.

Rule 2.7

All members of the Secretariat shall reside in the area where the headquarters of the Organization is located. A staff member can be specifically exempted from this obligation by the Executive Secretary under extraordinary circumstances.

Rule 2.8

Members of the Secretariat shall enjoy the privileges and immunities to which they are deemed to be entitled as a consequence of the NAFO Convention and pursuant to the Northwest Atlantic Fisheries Organization Privileges and Immunities Order (Order-in-Council P.C. 1980-132, 11 January 1980), or under any agreement signed between the Organization and the Contracting Party concerned.

Rule 2.9

The Executive Secretary is empowered to delegate to any staff member those duties considered necessary to achieve the most efficient operation of the Secretariat.

Rule 2.10

Staff members have the right to form a Staff Association and elect a Staff Representative according to the rules specified in Annex 1.

Rule 2.11

Members of the Secretariat can call upon the Staff Committee in case of conflicts that cannot be solved internally according to the rules specified in Annex 2.

SECTION 3. Recruitment and Appointment

Rule 3.1

In accordance with Article XV.2 of the Convention, the General Council shall appoint the Executive Secretary and shall establish tenure, remuneration and other conditions and entitlements as appropriate, within the principles of these Rules. The term of the Executive Secretary's office shall be four (4) years subject to the possibility of renewal by the General Council for one (1) more four (4)-year period.

Rule 3.2

In accordance with Article XV.3 of the Convention, the Executive Secretary shall appoint all staff members.

Rule 3.3

Staff members of the Secretariat are recruited as follows:

- a) Coordinators: Positions of high responsibility of a managerial or scientific nature (Professional category) are to be filled by appropriately qualified professionals, preferably with advanced university qualifications or the equivalent. Staff members in this category will be recruited internationally among citizens of Contracting Parties of the Organization.
- b) General Services: Positions of general administrative and technical nature shall be recruited locally, if possible, otherwise nationally from the host country.

Rule 3.4

Staff members are generally appointed under a probation period of six (6) months. During the probation period either party may terminate the appointment upon written notice of one (1) month, or a shorter period if mutually agreed

Rule 3.5

Upon appointment at the start of the probation period, each staff member shall receive a letter of appointment stating: a) nature of the appointment, specifying the duties of the position and its title; b) date of appointment, coinciding with the beginning of the probation period; c) period of the appointment, either on a fixed term or a continuing basis, from the beginning of the probation period; d) category, level, initial salary, scale of increments and any allowances; e) any special terms and conditions which may be applicable; and f) that the appointment is subject to the Staff Rules.

Upon receipt of the letter of appointment and on or before the end of the period of probation, staff members shall indicate in writing that they are familiar with the terms of the appointment as specified and with the Staff Rules, and that all conditions are acceptable.

Rule 3.6

As a condition of the appointment, staff members must be willing to submit to a medical examination and present a resulting certificate stating that they have no medical conditions which might prevent them from performing their duties, or which might endanger the health of others; they may be required to undergo further medical examination from time-to-time at the expense of the Organization.

SECTION 4. Hours of Work and Pay Periods

Rule 4.1

The normal working week shall consist of thirty seven and a half (37-1/2) hours, Monday through Friday.

The Executive Secretary shall establish the detailed working hours, and may alter them for the benefit of the Secretariat, as circumstances may require.

Rule 4.2

The Organization will pay the members of the Secretariat twice a month, the reference days as pay days being the fifteenth (15th) day and the last day of each month. Members of the Secretariat will be given their pay cheques two (2) banking days before the pay days.

SECTION 5. Salaries, Allowances and Other Remuneration (old Section 6)

Rule 5.1

The scale of salaries, allowances and any other relevant conditions of employment for staff members shall be established and reflect to the extent possible the salary levels, allowances and conditions pertaining to similarly employed persons occupying similar positions in the public sector of the host country, subject to the NAFO Financial Regulations. The Executive Secretary shall be responsible for the determination of the appropriate public sector analogues following the procedures described by the “NAFO Staff Classification System”.

Rule 5.2

Classification of staff members follows the procedures established by the “NAFO Staff Classification System”. A new classification of a staff member can be provisionally authorized by the Executive Secretary and will be submitted for approval of the Organization at its next annual meeting.

Rule 5.3

Salaries, allowances and other remuneration shall be paid in the national currency of the host country.

Rule 5.4

The starting salary shall be that established according to the principles of Rules 5.1 and 5.2. Members of the Secretariat will receive a step increase in salary for each year of service to the maximum defined by their category level based on the principles established by the public sector of the host country. This increase can be denied if the staff member's performance has been considered unsatisfactory by the Executive Secretary, subject to the approval of the Organization at its next annual meeting.

Rule 5.5

When, at the request of the Executive Secretary, staff members are required to work more than thirty seven and a half (37-1/2) hours per week, or outside the detailed normal working hours or days, this will be compensated with leave or pay equivalent to the hours of overtime worked. The Executive Secretary will determine the correspondent equivalent leave or pay based on the principles for payment of overtime by the public sector of the host country.

Rule 5.6

The Organization will pay for justified hospitality and representation expenses incurred by the Executive Secretary, after promptly documented claims for the corresponding expenses have been submitted. Exceptionally the Executive Secretary might authorize a Coordinator or any other member of the staff to participate in this type of activity and the corresponding expenses will be limited to the amounts and circumstances the Executive Secretary will define.

SECTION 6. Leave and Holidays

A. Annual Leave

Rule 6.1

Members of the Secretariat shall be entitled to annual leave with pay at the following rates:

- a) one and one-quarter ($1+1/4$) days for each calendar month until the month in which the anniversary of the employee's eighth (8th) year of continuous employment occurs;
- b) one and two-thirds ($1+2/3$) days for each calendar month commencing with the month in which the employee's eighth (8th) anniversary of continuous employment occurs;
- c) one and five-sixths ($1+5/6$) days for each calendar month commencing with the month in which the employee's sixteenth (16th) anniversary of continuous employment occurs.
- d) one and eleven-twelfths ($1+11/12$) days for each calendar month, commencing with the month in which the employee's seventeenth (17th) anniversary of continuous employment occurs;
- e) two and one-twelfth ($2+1/12$) days for each calendar month, commencing with the month in which the employee's eighteenth (18th) anniversary of continuous employment occurs;
- f) two and one-quarter ($2-1/4$) days for each calendar month commencing with the month in which the employee's twenty-seventh (27th) anniversary on continuous employment occurs;
- g) two and a half ($2-1/2$) days for each calendar month commencing with the month in which the employee's twenty-eighth (28th) anniversary on continuous employment occurs;
- h) For the purposes of leave entitlements in accordance with these staff rules, the Executive Secretary or a Coordinator (Rule 3.3 (a)) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies), and years of service in other international organizations as agreed by a signed contract between the employee and NAFO;
- i) The Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.3b).

Rule 6.2

Annual leave shall be authorized in advance by the Executive Secretary who, insofar as possible, shall bear in mind the personal circumstances, needs and preferences of staff members. Nevertheless, the leave period shall not cause disruption of normal Secretariat operations and consequently leave shall be subject to the exigencies of the Organization.

Rule 6.3

Members of the Secretariat are expected to take all their annual leave during the year in which it accrues. When in any year a staff member has not been granted all of their accrued annual leave, a maximum of twenty-five (25) work days of the unused accrued leave may be carried over to the following year.

Rule 6.4

Annual leave in anticipation of future days to be accrued shall be at the discretion of the Executive Secretary.

Rule 6.5

Staff members while on probation are not to be granted annual leave, although they shall accrue such a leave from the beginning of their appointment

B. Official Holidays**Rule 6.6**

Members of the Secretariat shall be entitled to the paid holidays traditionally celebrated in the location of the headquarters of the Organization. Such official holidays shall be announced by the Executive Secretary at the beginning of the year. If any of these dates fall on a Saturday or a Sunday, the holiday shall be observed on another day, to be set by the Executive Secretary, subject to service needs and, if possible, staff preference.

C. Sick Leave**Rule 6.7**

Members of the Secretariat shall earn sick leave credits at the rate of one and a quarter (1-1/4) days for each calendar month during which they worked for at least ten (10) days.

Rule 6.8

No member of the Secretariat shall be granted sick leave for a period of more than three (3) consecutive days, and more than a total of seven (7) working days in any calendar year without producing a medical certificate. A staff member shall not, whilst on sick leave, leave the area of the Organization without the prior approval of the Executive Secretary.

Rule 6.9

Members of the Secretariat shall be granted sick leave with pay when they are unable to perform their duties because of illness or injury provided that:

- i. they satisfy the Executive Secretary of their condition
- ii. They have the necessary leave credits

Rule 6.10

When a staff member has insufficient or no credits to cover the granting of sick leave with pay, sick leave with pay may, at the discretion of the Executive Secretary, be granted for a period of up to fifteen (15) working days, subject to the deduction of such advanced leave from any sick leave credits subsequently earned, and, in the event of termination of employment for reasons other than death or lay-off, subject to the recovery of the advance, from any monies owed the staff member. No deduction and no recovery of the advance are to be affected if the sick leave is considered the result of injury on duty, in which case the advance sick leave credits to a maximum of six (6) months could be provided at the discretion of the Executive Secretary.

Rule 6.11

Accidents at work must be reported immediately to the Executive Secretary.

D. Marriage Leave**Rule 6.12**

After the completion of one (1) year continuous employment, and provided that ten (10) days notice is given, any member of the Secretariat has the right to be granted five (5) days leave with pay for the purpose of getting married.

E. Parental Leave

Rule 6.13

Members of the Secretariat who have completed their probation period shall be entitled to maternity leave for pregnancy upon presentation of medical certificate and a written application submitted at least four weeks before such absence is to commence for a period not exceeding 17 weeks. The maternity leave shall begin no earlier than eleven weeks before the anticipated date of delivery set out in the medical certificate and shall terminate no later than 17 weeks following the actual date of confinement.

Every employee who has completed six months of continuous service with NAFO is entitled to leave of absence up to a maximum of thirty-seven (37) weeks in the year following either (a) the day the child is born, or (b) the day the child comes into the employee's actual care and custody upon a written application submitted at least four weeks before such absence is to commence. Either one parent may take all the parental leave or both parents may share the parental leave. In either case, the total parental leave cannot exceed thirty-seven (37) weeks. The total aggregated amount of maternity and parental leave that may be taken by one or two employees in relation to the same birth or adoption is fifty two weeks.

During maternity and parental leave salary will be paid at a rate of 50% of the gross salary plus full employer's benefits. Alternatively, a rate of 100% of the gross salary can be paid for up to 8.5 weeks of maternity leave and 17.5 weeks of parental leave. During this period the staff member shall continue to receive allowances based on his/her salary, including accrual of annual leave, provided he/she continues to remain in the Organization's employment for a period of at least six (6) months after returning to work. Should he/she fail to return to work for the required six (6) month period she shall be indebted to the Organization for the amounts received as maternity or parental leave pay and allowances. At the expiration of the leave, the employee shall be reinstated to the position prior to the commencement of the leave or where this is not possible, to a comparable position with the same wages and benefits and in the same location.

F. Other Leave

Rule 6.14

The Executive Secretary is empowered to grant requests by a staff member for leave with pay in cases of bereavement or exceptional family related responsibilities. In the case of death of an immediate family member the period of leave with pay shall normally be five (5) working days.

Rule 6.15

At the discretion of the Executive Secretary leave may be granted with or without pay for purposes other than those specified in these Rules (e.g. compassionate care).

G. Application for Leave

Rule 6.16

As far in advance of the leave period as possible, a form titled Application for Leave is to be completed by each staff member.

H. Irregular Leave or Absence

Rule 6.17

Any leave or absence not acceptable within the terms of these Rules shall be deducted from the annual leave and its payment will be at the discretion of the Executive Secretary.

SECTION 7. Social Security

Rule 7.1

It shall be a condition of employment that members of the Secretariat join the Regular Pension Scheme and the Social Security Plans set up by the Organization covering life and disability insurances.

Rule 7.2

It shall be a condition of employment that members of the Secretariat, who have been advised, under the terms of Rule 7.1, that they cannot comply with provision of the Regular Pension Scheme and/or Social Security Plans, make appropriate personal arrangements to cover, as necessary, retirement, medical and hospital, life and disability insurances, which shall be initiated as early as possible and duly documented before the end of the first year of employment. Costs to the member of the Secretariat of achieving this coverage shall be met by the Organization in accordance with such rules as it may prescribe, provided that such costs contributed by the Organization shall not exceed fourteen percent (14%) of the total of the salary and salary-related allowances of the member concerned. Costs in excess of this figure shall be the responsibility of that member.

SECTION 8. Travel and Transportation

Rule 8.1

All official travel shall require previous authorization by the Executive Secretary.

Rule 8.2

With regard to official travel, members of the Secretariat shall be entitled to a travel allowance, payable in advance for travel expenses, accommodation, daily living expenses, and any other type of expenses necessarily incurred by reason of travel.

Rule 8.3

Economy Class shall be utilized, wherever feasible, for air travel. Business Class shall be used on the authority of the Executive Secretary only. Exceptionally, when no reasonable alternative is available the Executive Secretary may approve the use of First Class. For land travel outside Canada First Class may be utilized on discretion of the Executive Secretary.

Rule 8.4

On completion of travel, the staff member shall submit, normally within 15 days, for the approval by the Executive Secretary, a detailed claim of expenses with, where reasonably possible, proof of expenditure.

Rule 8.5

Under the control of the Executive Secretary, members of the Secretariat who, in the course of their duties, are requested to use private motor vehicles for official travel or transportation purposes, shall be entitled to receive reimbursement of the costs involved in line with those available to the public sector of the host country. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

Rule 8.6

On taking up an appointment and to the degree to be negotiated as part of terms of employment, members of the Secretariat not residing within commuting distance, shall be eligible for:

- a) payment of travel expenses for arrival at post for the member and family from the place of residence to the location of the headquarters of the Organization;

- b) a "subsistence allowance" calculated on the basis of the relocation rules in force in the public sector of the host country;
- c) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the headquarters of the Organization, subject to the maximum weight and volume limits. Staff members without dependants 4890 kg and/or a 20' standard international shipping container (33 m³) and staff members with dependants 8150 kg and/or a 40' standard international shipping container (67 m³).
- d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges, on the basis of the relevant relocation rules in force in the public sector of the host country.
- e) an installation allowance of \$2,000 plus up to two months salary advance to be repaid within one year without interest in the case of internationally relocating staff members
- f) payments to staff members shall be subject to prior approval by the Executive Secretary.

Rule 8.7

After eighteen (18) months of service, and if the member of the Secretariat is recruited internationally, from outside Canada, the Organization shall pay, in accordance with Regulations 9.3 and 9.4, travel expenses for the member and family to visit the home country on annual leave. This payment to include economy air fare, meal allowance, hotel accommodation and transportation costs to airports and stations while in travel status. Following this, home leave and its travel expenses shall be granted at two (2) year intervals provided that:

- a) family who benefit from this grant have resided in the host country for at least six (6) months prior to travel;
- b) It is understood that the member of the Secretariat will return to continue rendering services for a minimum additional period of six (6) months, or, unless otherwise authorized by the Organization, the accounts paid for his or her travel expenses will have to be returned.

SECTION 9. Separation from Service

Rule 9.1

Staff members may separate from service by giving four (4) weeks notice in writing to the Executive Secretary.

Rule 9.2

The Executive Secretary may terminate the appointment of a staff member by giving three (3) months written notice, when that termination is due to restructuring of the Organization or of any of its constituent bodies, or if the Organization would decide to cease its functions. If at any time the Executive Secretary considers that a staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, the staff member will receive a formal written warning. If the performance does not improve or the employee continues to fail to comply with the duties and obligations set out in these Rules, the staff member will receive a second formal written warning and if necessary, other disciplinary action (e.g., suspension, demotion) may follow. If after the second formal written warning the staff member's performance does not improve to a satisfactory standard, the appointment of the staff member may be terminated upon written notice of one (1) month in advance subject to the prior notification to the Chair of General Council. In the case of serious misconduct by a staff member that threatens the organization's operations or the organization's staff members (for example, criminal offence, theft, intentional breach of confidentiality), appointment of the staff member may be terminated without prior warning.

Rule 9.3

The normal retirement age in the NAFO Secretariat is 65 years of age. In some circumstances, the Executive Secretary may extend a staff members' service beyond 65 years of age.

Rule 9.4

The effective date of separation is the first working day after the date of termination of the notice period, except in the event of death of a member of the Secretariat, when it is the day after death and on that date all salary and related emoluments shall cease.

Rule 9.5

- a) In the event of separation from service with the Secretariat, staff members shall be compensated an indemnity equivalent to the rate of two (2) weeks current salary for every year of service, free of all deductions except statutory deductions, limited to a maximum of 40 weeks;
- b) For the purposes of entitlements in accordance with these staff rules, the Executive Secretary or a Coordinator (Rule 3.3.a) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies) and in other international organizations as agreed by a signed contract between the employee and NAFO;
- c) The Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.3.b).

Rule 9.6

On separation from service, a member of the Secretariat shall be entitled to the following:

- a) payment of travel expenses from the place of residence for arrival at the new residence, for the member and family;
- b) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the new place of residence if not paid by the new employer. Staff members without dependants 4890 kg and/or a 20' standard international shipping container (33 m³) and staff members with dependants 8150 kg and/or a 40' standard international shipping container (67 m³).
- c) payment of reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the relevant rules and criteria applicable on appointment of the same member of the Secretariat.
- d) Payments to staff members shall be subject to prior approval by the Organization on the recommendation of the Executive Secretary.

Rule 9.7

Upon separation, accrued unused annual leave shall be paid to any member of the Secretariat at the rate of the current salary at the time of separation but this monetary compensation will not be paid for more than a maximum of twenty five (25) days plus the leave accrued during the year of separation. In case of death this money will be paid to the member's estate. In the event of termination of employment for reasons other than death or lay-off, the Organization will recover from the member of the Secretariat an amount equivalent to any unearned annual leave taken by that member, in anticipation of future days to be accrued.

Rule 9.8

In case of death of a member of the Secretariat, the Organization shall pay shipment of the remains from place of death to a place designated by the next of kin, limiting the payment of costs to those that correspond to shipping them to the deceased member's home for purposes of home leave or to the place from which personal effects or household goods were shipped.

Rule 9.9

In case of death, the family of a deceased member of the Secretariat shall be entitled to the payments specified in Rule 9.6 except that this right shall lapse if the travel is not undertaken within the six (6) months of the date of the member's death, except if a reasonable extension of that period of time is approved.

SECTION 10. Temporary Personnel

The Executive Secretary may hire temporary personnel as necessary, by utilizing whenever possible, persons residing in the area in which the headquarters of the Organization are located.

SECTION 11. Application and Amendment of Staff Rules**Rule 11.1**

Any doubts concerning the interpretation or application of these Rules shall be resolved by the Executive Secretary unless it applies to the Executive Secretary in which case the General Council shall be consulted. The Executive Secretary shall submit to approval by the General Council at its next meeting any resolution taken previously under the terms of this Rule.

Rule 11.2

All matters not foreseen in these Staff Rules shall be brought to the attention of the Organization by the Executive Secretary or the Staff Representative after consultation with the Executive Secretary.

Rule 11.3

Any changes in these Staff Rules must be approved by the General Council in accordance with its Rules of Procedure, on the advice of STACFAD.

NAFO Staff Association and Staff Representative

Mandate of the Staff Representative

It is the obligation of the Staff Representative (SR) to ensure that staff interests are adequately presented in relevant decision-making processes. The SR has the obligation to contribute to management transparency by informing the staff in a timely fashion about important developments and decisions. Confidential and personal information cannot be disclosed without consent in writing of the individual(s) concerned. If in need of guidance, the SR can call a Staff Association meeting. In the case of a conflict within the Secretariat that cannot be solved internally, the SR can call upon the Staff Committee.

Staff Association and Election of Staff Representative

The Staff Association (SA) guides and mandates the SR to take specific actions or present particular viewpoints to the employer. All NAFO staff on permanent or at least one-year contract excluding the Executive Secretary (ES) form the SA and shall have the right to vote at the SA meetings. Decisions are valid only if at least two thirds of the members participate at the meeting and only if all possible precautions have been taken to ensure that every member had the opportunity to participate. A decision should be reached by consensus; if that is not possible, a simple majority decides. Decisions can be taken by show of hands unless requested otherwise by at least one staff member. The rules of procedure of the SA can only be changed if at least 75% of the staff agrees.

The SA elects the SR (and Vice Staff Representative if such a position is desired by the SA) by secret ballot and by simple majority¹ for a term of 1 year starting January (if a SR is elected after January, his/her term still ends with the calendar year). Each staff member is eligible for the post and can be re-elected without restrictions. The SR can be voted out of office by simple majority at any time. The SA can decide to not have a SR. In this case, the SA must meet the following November, or prior to that upon request of 3 members, to re-discuss the issue. If the SR resigns, a meeting has to be called within a month to deal with the new situation.

The SR can call a Staff Meeting on his/her initiative. In addition, an extraordinary SA Meeting can be called upon request of at least 3 staff members with an agenda circulated at least 3 working days before the meeting.

Rights of the Staff Representative

To fulfil his/her duties the SR has a number of rights, namely

- Be informed about all issues (facts, events, plans, etc), negative or positive, regarding personnel matters and work situation in a timely and comprehensive fashion
- Advise the Executive Secretary on staff preferences regarding work time regulations, work safety and health issues, review of Staff Rules, and other staff-related matters
- Participate in STACFAD meetings when personnel matters and work situation are discussed
- Be partially freed from ordinary work in order to research issues relevant to his/her function (point in time and amount of time granted to be agreed upon by ES and SA but not to exceed 20% of annual work time).
- Be protected from reprimand/dismissal on the grounds of his/her activities in this function.

If no candidate secures the required number of votes, then:

- (a) If there are only two candidates, voting shall be continued until a candidate is elected by simple majority.
- (b) If there are three or more candidates, the candidate receiving the lowest number of votes shall be eliminated and voting shall be continued until a candidate is elected. If there are two or more candidates receiving the lowest number of votes, it shall be decided by separate vote which candidate shall be eliminated.

Staff Committee

Mandate

Most conflicts within the Secretariat can be and should be solved internally. In the rare case that a conflict cannot be solved internally or that its resolution causes major concern (e.g. perceived unjust dismissal of a staff member) the Staff Committee can be asked to intervene. Solutions should be achieved through mediation between the parties involved in the conflict and, if the Staff Committee finds it necessary, by bringing the case before NAFO Contracting Parties.

The Staff Committee is mandated to advise and mediate in the rare event that conflicts within the Secretariat cannot be solved internally. The Staff Committee is composed of three (3) members nominated by members of the Secretariat and appointed by General Council. Members of the Staff Committee serve one year and can be re-elected at every Annual Meeting.

Guidelines for Staff Committee

1. It is the obligation of Secretariat staff and Executive Secretary to seek internal solutions to all disputes before bringing anything to the attention of the Staff Committee.
2. On a specific issue, one or more members of the Staff Committee can be approached by (a) the Staff Representative, and/or (b) the Executive Secretary and/or (c) 3 staff members^[1].
3. The Staff Committee will treat all cases in the strictest confidence. The Staff Committee will also not disclose any names without consent of the individual concerned throughout the mediations with Secretariat staff and/or Executive Secretary.
4. A reasonable period of time (1 month) after contacting the Staff Committee, a final decision in a case (if necessary) must be taken by the Executive Secretary considering all options presented.
5. If the resolution of a case does not satisfy the Staff Committee the matter should be presented to STACFAD and General Council at the next Annual Meeting. In severe cases, the Staff Committee may decide to contact NAFO Contracting Parties immediately and ask for guidance or action.

^[1] This means that at least 3 staff members have to agree that a conflict cannot be solved internally and is important enough to be brought before the Staff Committee bypassing Staff Representative and Executive Secretary. This will prevent frequent and unjustified calling on the Committee Members.

Annex 5. Budget Estimate for 2006

NORTHWEST ATLANTIC FISHERIES ORGANIZATION Budget Estimate for 2006 (Canadian Dollars)

	Approved Budget for 2005	Projected Expenditures for 2005	Preliminary Budget Forecast for 2006	Budget Estimate for 2006
1. Personal Services				
a) Salaries	\$884,000	\$891,000	\$810,000	\$792,000
b) Superannuation and Annuities	95,000	91,000	82,000	86,000
c) Group Medical and Insurance Plans	88,000	82,500	85,300	93,300
d) Termination Benefits	31,000	44,000	38,000	32,000
e) Accrued Vacation Pay	5,000	1,000	5,000	1,000
f) Termination Benefits Liability	10,300	10,300	-	-
g) Clerical (CR) Retroactive Salary Liability	27,700	27,700	27,700	27,700
h) Overtime Pay	-	-	-	12,000
2. Travel	45,000	45,000	35,000	40,000
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	30,000	29,000	30,000	30,000
5. Publications	25,000	17,000	25,000	20,000
6. Public Relations	-	-	-	7,000
7. Other Contractual Services	47,000	47,000	41,000	43,000
8. Additional Help	3,000	3,000	10,000	15,000
9. Materials and Supplies	30,000	30,000	30,000	30,000
10. Equipment	15,000	20,000	20,000	10,000
11. Meetings				
Annual General Meeting and Scientific Council Meetings	72,000	71,000	83,000	81,500
Inter-sessional Meetings	36,000	16,000	36,000	30,000
Scientific Council Special Session	-	-	5,000	7,500
Annual Meeting Reception	-	-	20,000	20,000
Hospitality Allowance	3,000	3,000	5,000	5,000
12. Computer and Web Services				
Computer and Web Services	31,000	26,000	31,000	31,000
Vessel Monitoring System	45,000	53,000	78,000	76,000
13. Recruitment and Relocation	-	7,500	44,000	28,000
	\$1,524,000	\$1,516,000	\$1,542,000	\$1,519,000

Notes on Budget Estimate 2006
(Canadian Dollars)

Notes on Budget Estimate 2006
(Canadian Dollars)

Re Item 1(a)	Salaries Salaries budget estimate for 2006 implements the Human Resources strategy presented at last years Annual Meeting according to STACFAD Working Paper 05/2. Through retirement and the reorganization of duties, staffing levels will be reduced by one full time employee for 2006.		\$792,000
Re Item 1(b)	Superannuation and Annuities Employer's portion (includes employer normal cost, past service liability and early retirement provisions) and administration costs.		\$86,000
Re Item 1(c)	Group Medical and Insurance Plans Employer's portion of Canada Pension Plan, Employment Insurance, Group Life Insurance, Long Term Disability Insurance and Medical Insurance.		\$93,300
Re Item 1(d)	Termination Benefits This figure is for 2006 credits and conforms to NAFO Staff Rule 10.4(a).		\$32,000
Re Item 2	Travel Travel costs associated with the following:		\$40,000
	i) Internships for professional development. New training program for Secretariat Staff at other Regional Fisheries Bodies.	\$10,000	
	ii) the Co-ordinating Working Party on Fish Statistics (CWP), Inter-session Meeting, and the Fisheries Resources Monitoring Systems (FIRMS) Steering Committee Meeting, of the Food and Agriculture Organization (FAO) of the United Nations (UN), Spring 2006, at FAO Headquarters, Rome, Italy; and,	9,000	
	iii) the Executive Secretary's home leave to Germany; and,	7,000	
	iv) Miscellaneous and unforeseen travel; and,	5,500	
	v) the UN Consultative Process on the Oceans and Law of the Sea at UN Headquarters, June 2006, New York, USA; and,	5,000	
	vi) the Annual Meeting of the International Fisheries Commissions Pension Society, April 2006, La Jolla, California, USA.	3,500	
Re Item 4	Communications Telephone and fax Postage Courier/Mail service	\$14,300 12,500 3,200	\$30,000
Re Item 5	Publications Conservation and Enforcement Measures, Convention, Inspection Forms, Journal of Northwest Atlantic Fishery Science, Meeting Proceedings, Rules of Procedure, Scientific Council Reports, Scientific Council Studies, etc.		\$20,000
Re Item 7	Other Contractual Services Leases:		\$43,000
	• Print department printer	\$10,500	
	• Photocopier	8,000	
	• Postage meter	4,000	

	Maintenance Agreements:		
	• Photocopier and printers	5,000	
	Other Contracts:		
	• Audit	7,500	
	• Consulting and legal fees	5,000	
	• Fidelity bond and fire insurance	2,700	
	• P.O. box rental	300	
Re Item 8	Additional Help		
	Digitization of NAFO Observer Program data for Scientific Council		\$15,000
Re Item 11	Meetings		
	i) Annual General Meeting and Scientific Council Meetings:		\$81,500
	This figure includes the cost for the 28 th Annual Meeting, September 2006 and the Scientific Council Meeting, June 2006, both to be held in Halifax/Dartmouth, Nova Scotia, Canada, and the Scientific Council Shrimp Assessment Meeting, November 2006, venue to be determined.		
	ii) Inter-sessional Meetings:		30,000
	General provision for inter-sessional meetings		
	iii) Annual Meeting Reception		20,000
	iv) Scientific Council Special Session		7,500
	v) Hospitality Allowance		5,000
Re Item 12	Computer and Web Services		
	Computer and Web Services:		\$31,000
	• Computer supplies and equipment	\$13,000	
	• Training and professional development	8,000	
	• Software updates	7,000	
	• Consulting and maintenance	2,000	
	• Web hosting	1,000	
	Vessel Monitoring System (VMS)		\$76,000
	• Possible recommendation to come from STACTIC during the Annual Meeting for programming changes to the VMS resulting from a proposal for amendments to the NAFO Conservation and Enforcement Measures.	\$35,000	
	• Annual Operating Expenses	31,000	
	• Upgrade VMS Server	10,000	

Annex 6. Preliminary Calculation of Billing for 2006

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$1,519,000 for the 2006
financial year (based on 13 Contracting Parties to NAFO).
(Canadian Dollars)

Budget Estimate	\$1,519,000.00
Deduct: Amount from Accumulated Surplus Account	<u>204,825.00</u>
Funds required to meet 2006 Administrative Budget	<u>\$1,314,175.00</u>
60% of funds required =	\$788,504.94
30% of funds required =	394,252.56
10% of funds required =	131,417.50

Contracting Parties	Nominal Catches for 2003	% of Total Catch in the Convention Area	10%	30%	60%	Amount Billed
Bulgaria	-	-	-	\$30,327.12	-	\$30,327.12
Canada (1)	488,467	51.94%	\$79,954.05	30,327.12	\$409,549.49	519,830.66
Cuba (1)	227	0.02%	-	30,327.12	157.69	30,484.81
Denmark (in respect of Faroe Islands and Greenland) (2)	133,199	14.16%	21,802.50	30,327.12	111,652.30	163,781.92
European Union (1)	75,879	8.08%	-	30,327.12	63,711.19	94,038.31
France (in respect of St. Pierre et Miquelon)	3,652	0.39%	597.77	30,327.12	3,075.16	34,000.05
Iceland	7,210	0.77%	-	30,327.12	6,071.48	36,398.60
Japan	3,091	0.33%	-	30,327.12	2,602.07	32,929.19
Republic of Korea	-	-	-	30,327.12	-	30,327.12
Norway	20,308	2.16%	-	30,327.12	17,031.71	47,358.83
Russian Federation	30,394	3.23%	-	30,327.12	25,468.71	55,795.83
Ukraine	387	0.04%	-	30,327.12	315.40	30,642.52
United States of America (1)	177,557	18.88%	29,063.18	30,327.12	148,869.74	208,260.04
	940,371	100.00%	\$131,417.50	\$394,252.56	\$788,504.94	<u>\$1,314,175.00</u>
Funds required to meet 1 January - 31 December 2006 Administrative Budget						<u>\$1,314,175.00</u>

(1) Provisional Statistics used when calculating 2003 nominal catches which have not been reported from Contracting Parties.

(2) Faroe Islands = 14,436 metric tons
Greenland = 118,763 metric tons

Annex 7. Preliminary Budget Forecast for 2007 and 2008
(Canadian Dollars)

		Preliminary Budget Forecast for 2007	Preliminary Budget Forecast for 2008
1.	Personal Services		
	a) Salaries	\$ 762,000	\$ 805,000
	b) Superannuation and Annuities	82,000	86,000
	c) Group Medical and Insurance Plans	87,000	83,000
	d) Termination Benefits	28,000	34,000
	e) Accrued Vacation Pay	3,000	1,000
	f) Overtime Pay	12,000	12,000
2.	Travel	35,000	35,000
3.	Transportation	1,000	1,000
4.	Communications	30,000	20,000
5.	Publications	20,000	10,000
6.	Public Relations	10,000	
7.	Other Contractual Services	41,000	39,000
8.	Additional Help	15,000 ^a	15,000 ^a
9.	Materials and Supplies	30,000	30,000
10.	Equipment	10,000	10,000
11.	Meetings		
	Annual General Meeting and Scientific Council Meetings	75,000 ^b	81,500 ^b
	Inter-sessional Meetings	30,000	30,000
	Scientific Council Special Session	7,500	7,500
	Annual Meeting Reception	20,000	20,000
	Hospitality Allowance	5,000	5,000
12.	Computer and Web Services		
	Computer and Web Services	31,000	31,000
	Vessel Monitoring System	67,000 ^c	67,000 ^c
		\$1,401,500	\$1,453,000

^a Additional help forecast is a continuation of Scientific Council recommendation of digitizing observer data.

^b Forecasted costs associated with Annual Meetings, September 2007/2008 and Scientific Council Meetings, June and November 2007/2008.

^c Vessel Monitoring System forecasts for 2007/2008 include \$35,000 each year for programming changes, if required.

PART III

Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. Opening by Chair

The Chair, Ms. Nadia Bouffard (Canada) opened the meeting at 14 00 hrs on 19 September 2005. The meeting was attended by representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, France (on behalf of St. Pierre et Miquelon), Iceland, Japan, Norway, Russia and the United States of America (Annex 1). The Chair reviewed the documents for the session and reminded participants of the agenda items and the tasks associated with it.

2. Appointment of Rapporteur

Ms. Marta Farsang (Canada) was appointed rapporteur.

3. Adoption of Agenda

The agenda was adopted (Annex 2).

4. Review of 2005 information on activities of Non-Contracting Party vessels in the Regulatory Area

The Chair requested that Canada briefly present its findings summarized in the STACFAC W.P. 05/2 (Annex 3).

Canada indicated that it sighted by aerial surveillance the following seven NCP vessels which were all flagged to Dominica (see item 7 on further information on flag of vessels):

1. Pavlovsk
2. Olchan
3. Ostroe
4. Oyra
5. Okhotino
6. Lisa
7. Ostrovets

No other Party had sighted NCP vessels in the NAFO Regulatory Area.

NAFO sightings information was forwarded to the NEAFC Secretariat. The Chair informed that no information had been received from NEAFC by the NAFO Secretariat to date. She remarked that information sharing in this informal way is useful.

It was agreed that NAFO should establish a practice whereby it would automatically and formally share NAFO NCP sighting information with other RFMOs and the FAO. A specific list of items agreed to by delegates should be compiled by the NAFO Secretariat in a table format based upon STACFAC WP 05/1 which will be provided to other RFMOs with a cover letter signed by the President of NAFO starting this year with the sighting information provided by Canada (sample letter in Annex 4 and table entitled "Information to be transmitted to RFMOs (date/year)" in Annex 5). Both documents were recommended for adoption pending editorial changes to this year's documents.

The following pieces of information are to be disclosed to other RFMOs when available:

1. Name of vessel & previous names
2. Flag state & previous flag state
3. Registry and/or Call sign number and/or IMO number

4. Time, date and coordinates of sighting
5. Apparent activity
6. Ownership of vessel (name & address)
7. Chartering information (name & address)
8. Historical timelines (flag-hopping)
9. NAFO action taken.

The information compiled on the 7 NCP vessels sighted in the NRA in 2005 has been prepared for transmission under cover of a template letter signed by the President of NAFO. The template of this letter will also be used for this purpose in future years.

It was agreed that based on the information obtained, Contracting Parties will follow up with nationals who are owners and charterers and report back at subsequent annual meetings on their actions.

5. Review of 2005 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area

No information on transshipments and landings of fish by Non-Contracting Parties in the NAFO Regulatory Area was presented for 2005.

There were however transshipment activities by Non-Contracting Party vessels sighted in the NEAFC Regulatory Area. Iceland reported that it had sighted a transshipment on 27 May 2005 in the NEAFC regulatory area from vessel Okhotino to the Belize flagged vessel Sunny Jane. Sunny Jane denied this activity, however, stated that it had taken fish from Ostroe, Oyra and Olchan which were flagged to Dominica and are on NEAFC's provisional IUU list (B-list). These fishing vessels were believed to be the same as those sighted in the NAFO Regulatory Area.

6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area

No information on imports was presented for 2005.

7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area

Canada presented information regarding the diplomatic demarches to Dominica. As recommended at the annual meeting last year, the US, Canada and the EU undertook to deliver demarche to Dominica regarding the eight NCP vessels sighted in 2004, seven of which were the same ones sighted fishing in 2005. Iceland joined the group. Canada further engaged Dominica through numerous diplomatic demarches between January and August 2005.

The Chair informed that Dominica cancelled the registration of the seven vessels on September 14, 2005 as stated in the letter sent by Dominica to the NAFO Secretariat (STACFAC WP 05/3). The copies of Certificates of Deletion of Vessel Registration had also been provided to the Secretariat by Dominica (STACFAC WP 05/3 Addendum). It was agreed that a letter be sent to Dominica in acknowledgement of the action taken, as well as enquiring whether any other action had been taken prior to deregistration and requesting cooperation in the future (letter Annex 6).

8. Compendium of NCP activity, NAFO actions and NCP responses

Delegates were pleased with the table found in STACFAC WP 05/1 and suggested to use it as a basis for disseminating information to other RFMOs (see item 4). This table was updated to reflect the information received during the 2005 annual meeting (STACFAC WP 05/3 and addendum)

9. Continuation of intersessional discussion on a modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CEM established by NAFO

The group discussed the remaining bracketed text of the EU proposal (STACFAC W.P. 04/10, revision 2).

Article 2

It was agreed to delete subparagraphs 2 and 3.

With the removal of the brackets in the new 3. (previously 5.) the text reads as follows: “(These definitions would be inserted in Article 2 of the CEM Overhaul, where those of ‘Fishing activities’ and ‘Inspectors’ are already included, pending final adoption of the Overhaul.)

1. (previously 1) “non-Contracting Party vessel” means any vessel not flagged to a Contracting Party , including vessels for which there are reasonable grounds for suspecting them to be without nationality.
2. (previously 4) “IUU fishing” means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
3. (previously 5) “IUU List” means the list, established pursuant to Articles 7 (5) and 8 of Chapter VI containing the particulars of vessels that have been found by the General Council to have engaged in IUU fishing.
4. (previously 6) “Provisional List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been identified as having engaged in fishing activities, according to information received pursuant to Articles 3 to 6 or information received in reports pursuant to Article 8 of Chapter VI. “

Article 6

It was agreed that the brackets around “fish” be deleted in 6(1) and 6(2), and the qualification “referred to in Article 3” for non-Contracting Party vessels be inserted in 6(2).

Article 7

At the suggestion of Norway, in 7 (5), the phrase “does not object” was replaced by “agrees” and “by the deadline established by paragraph (2)” were deleted. Article 7(6) was also deleted.

Article 9

“CPs” should read “Contracting Parties”.

Article 10

In 10 (1), it was agreed that brackets around the words “appear on the IUU list” be removed and the second bracketed text be deleted.

The modified text of Article 10 (3) read as follows and remains in brackets:

[Pursuant to the adoption of procedures of transparency and due process for trade sanctions consistent with World Trade Organization rules, the General Council shall decide appropriate measures to be taken in respect of non-Contracting Parties identified under paragraph 2. In this respect, Contracting Parties may co-operate to adopt appropriate multilaterally agreed trade related measures, consistent with the World Trade Organization (WTO) that may be necessary to prevent, deter, and eliminate the IUU fishing activities identified by the General Council. Multilateral trade measures may be used to support co-operative efforts to ensure that trade of fishing products from the Regulatory Area does not in any way encourage IUU fishing or otherwise undermine the effectiveness of NAFO Conservation and Enforcement Measures which are consistent with the United Nations convention on the Law of the Sea 1982.]

Article 10 X

Text was agreed to read as follows and will be new 10 (4):

“Contracting Parties should - to the extent possible, consistent with their international obligations and in accordance with applicable legislation - restrict the export and transfer of their formerly licensed fishing vessels to non-contracting parties identified in paragraph 2.”

Article 11

The text was modified as follows and remains in brackets:

[Articles 7.2.d and 10(3) of this Scheme shall not enter into force before the entry into force of a comparable Contracting Party mechanism.] Article 11(1) was deleted.

Text relating to the issues of trade measures and entry into force contained in Articles 7.2(d), 10 (3) and 11 remains in brackets due to differences in stances between the EU on the one hand and Japan, the US and Canada on the other, and will be submitted to the General Council for discussion.

10. Proposal for a Joint Scheme between NAFO and NEAFC (WP 04/8)

Due to time constraints, the item could not be discussed and Norway requested that Contracting Parties consider the proposal prior to the next annual meeting with regards to participation and other issues should such scheme come into realization.

11. Report and Recommendations to the General Council

STACFAC recommends to the General Council that:

1. a letter signed by the President of NAFO with a table listing information on NCP vessels sighted in the NRA be provided to RFMOs on an annual basis as appropriate;
2. a letter signed by the President of NAFO be provided to RFMOs with the table listing information on the seven NCP vessels sighted in 2005 in the NRA;
3. a letter signed by the President of NAFO be sent to Dominica enquiring about steps taken before deregistration;
4. the General Council review bracketed text in Articles 7.2(d), 10 (3) and 11;
5. Norway's proposal be moved up on the agenda next year.

12. Other Matters

There were no other matters.

13. Adjournment

The Committee adjourned at 21 00 hrs on September 21, 2005.

Annex 1. List of Participants

Chair: Nadia Bouffard, Canada
Rapporteur: Marta Farsang, Canada

Delegates:

Kym Purchase, Canada
Arni Olafssen, Denmark (in respect of Faroe Islands & Greenland)
Monica Martinez Castañeda, EU
Steinar I. Matthiasson, Iceland
Hiroki Tokunaga, Japan
Miwako Takase, Japan
Jan Pieter Groenhof, Norway
Alexander Okhanov, Russia
Patrick Moran, USA

Annex 2. Agenda

1. Opening by the Chair, Nadia Bouffard (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 2005 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 2005 information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area
6. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Compendium of NCP activity, NAFO actions and NCP responses
9. Continued discussion on a modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CEM established by NAFO
10. Joint NAFO and NEAFC scheme to promote compliance by NCP vessels (continued discussion on Norwegian proposal – STACFAC W.P. 04/8)
11. Report and Recommendations to the General Council
12. Other Matters
13. Adjournment

**Annex 3. Report of Non-Contracting Party Fishing Activity in the
Regulatory Area 2000 – 2005 (August 31) (by Canada)
(STACFAC W.P. 05/2)**

Explanatory Note

All information on Non-Contracting Party activity (vessel registry, crew nationality, estimated catch) is based on best available information. Given the location and nature of this activity (1F/2J), it is often difficult to obtain accurate in-fishery information on a regular basis.

Non-Contracting Party Activity – Regulatory Area

Table 1 lists total Non-Contracting Party vessels, by nation of registry, that were observed fishing in the Regulatory Area by Canada during the 2000 to 2005 (to August 31) period.

Table 1: Non-Contracting Party Vessels 2000–2005						
	2000	2001	2002	2003	2004	2005
Belize	0	0	6	0	0	0
Dominican Republic	0	0	0	2	2	0
Dominica	0	0	0	4	6	7
NCP Total	0	0	6	6	8	7
Overall Total	42	73	71	88	8	7

Table 2 lists Non-Contracting Party vessels, by name and nation of registry that were observed fishing in the Regulatory Area by Canada in 2005 (to August 31).

Table 2 : Non-Contracting Party Vessels 2005	
Dominica	PAVLOSK LISA OLCHAN OSTROE OYRA OSTROVETS OKHOTINO

Table 3 outlines a Canadian estimate of possible effort and catch by these vessels for 2005. In 2005 these 7 vessels fished exclusively for oceanic redfish in Divisions 1F/2J.

Table 3: Estimated Groundfish Effort and Catch – 2005				
Nation	Vessels	Estimated Effort	Estimated Catch	Estimated C/R
Dominica	7	175	3500t	20mt/day
Overall Total	7	175	3500t	20mt/day

Table 4 outlines Non-Contracting Party activity and Canadian-estimated catch of oceanic redfish for the 2000-2005 period.

Table 4: Estimated Groundfish Effort and Catch 2000 to 2005						
Year	2000	2001	2002	2003	2004	2005
Different Vessels			6	6	8	7
Estimated Effort (days)			200	130	205	175
Estimated Catch (t)			6,000	2600	4100	3500
Estimated Catch Rate			30	20	20	20

**Annex 4. Possible text for letter to other Organizations from President of NAFO; updated
compendium STACFAC WP 05/1**

RFMO addressee

Dear X,

On behalf of the Northwest Atlantic Fisheries Organization (NAFO), please find enclosed information collected with respect to non-contracting party vessel(s) sighted in the NAFO Regulatory Area in 2005. Where available and appropriate, additional information relating to such vessel(s) has been included for your information. This information has been collected in accordance with the *Scheme to Promote Compliance by Non-Contracting Party Vessels*. This scheme may be found as part of the NAFO Conservation and Enforcement Measures. For further detail please consult the NAFO website at www.nafo.int.

Best Regards,

David Bevan

Annex 5. Information to be transmitted to RFMOs in 2005

Vessel Name (+ known previous name)	Current Flag State (know previous Flag State)	Call Letter	Registration Number	IMO Number	Sighting Information Summary	Owner (Name/Address)	Charterer (Name/Address)	Additional information
OKHOTINO	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC2	50013	8522169	NAFO division 1F; multiple sightings (July – Aug. 31, 2005) Fishing	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept 14, 2005
OLCHAN	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC7	50018	8422838	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered Bareboat charter; De-registered by Dominica Sept. 14, 2005by Dominica Setp. 14, 2005
OSTROE	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC5	50016	8522042	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept. 14, 2005
OSTOVETS	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC3	50014	8522030	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept. 14, 2005
OYRA	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC4	50015	8522119	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept. 14, 2005
LISA (PREV. KADRI)	Unknown – Dominica (2004-2005) Belize prior to Oct 2003	J7AG4	50052	8606836	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	GLOBAL INVEST LTD. S.A. Calle 1, La Loma Edificio Peach Tree Apt. 3-A Panama		Permanent; De-registered by Dominica Sept. 14, 2005
PAVLOSK	Unknown – Dominica (2004-2005)	J7AJ1	50079	8326319	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	CELEBURTON MARKETINGS LLC 2130 SW Beaverton Hillsdale Hwy Portland, Oregon 97225 USA		Permanent; De-registered by Dominica Sept. 14, 2005

Annex 6. Draft Letter to Dominica 20.09.2005

Mr Osbourne Riviere.
Minister for Foreign Affaires, Trade and Marketing
Government Headquarter, Kennedy Avenue
Roseau
Commonwealth of Dominica

Dear Mr. Minister:

I am writing on behalf of the Northwest Atlantic Fisheries Organisation (NAFO) further to correspondence dated September 14, 2005 from the Deputy Maritime Administrator for Marine Affairs, Commonwealth of Dominica, regarding the de-registration of the fishing vessels Okhotino, Olchan, Ostroe, Ostrovets, Oyra, Lisa and Pavlovsk, previously flying the flag of the Commonwealth of Dominica.

NAFO members wish to acknowledge the de-registration of these vessels by Dominica. The de-registration action taken by the Deputy Maritime Administrator for Marine Affairs followed a previous request made by NAFO, and diplomatic demarches delivered by members of NAFO. These demarches were undertaken further to the sighting of these vessels while engaging in fishing activities in the NAFO Regulatory Area in 2004, and more recently in July and August 2005.

In a previous letter to you, we had suggested that while de-registration is an appropriate action that can be taken to address this type of activity which undermines the NAFO measures, other actions could be taken by the flag State to control the activities of fishing vessels flying its flag. In this regard, we would appreciate receiving any information of any actions that Dominica may have taken respecting these vessels prior to removing them from the Dominican vessel registry.

I thank you for your cooperation and look forward to your reply.

Sincerely,

David Bevan
President of NAFO
cc: Caribbean Community (CARICOM)

SECTION II
(pages 111 to 185)

**Report of the Fisheries Commission and its Subsidiary Body
(STACTIC), 27th Annual Meeting
19-23 September 2005
Tallinn, Estonia**

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PART I

Report of the Fisheries Commission Meeting (FC Doc. 05/15)

27th 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 10th 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 (>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 F under the rebuilding plan TACs from 2005 to 2007. Projections indicate that average fishing mortality in 2007 (0.38) will exceed F_{max}, 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

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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) Adopted
11 and 14. Report of STACTIC, April 2005 and Report of STACTIC September 2005	<p>STACTIC WP 05/8 (Revised) - Transshipments in NRA Adopted</p> <p>STACTIC September 2005 Report accepted and all recommendations therein Adopted</p> <p>Pilot Project on Observers, Satellite Tracking and Electronic Reporting extension through 2006. Iceland's reservation on the Observer Program noted (STACTIC report) Adopted</p> <p>STACTIC WP 05/29 (Revised) – Designated Ports re landings of Greenland halibut Adopted</p> <p>STACTIC WP 05/34 – Addition of Saint Pierre, France as rerouting port re Article 32 (Serious Infringements) Adopted</p> <p>STACTIC WP 05/38 – Species identification Adopted</p> <p>STACTIC WP 05/09 (Revision 2) – Data exchange and format protocols Adopted</p> <p>STACTIC WP 05/41 (Revised) – Annual Compliance Review – 2004 Accepted</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 Adopted
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. Adopted.
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 Adopted FC WP 05/14 re 2005 quota transfer Adopted

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 _

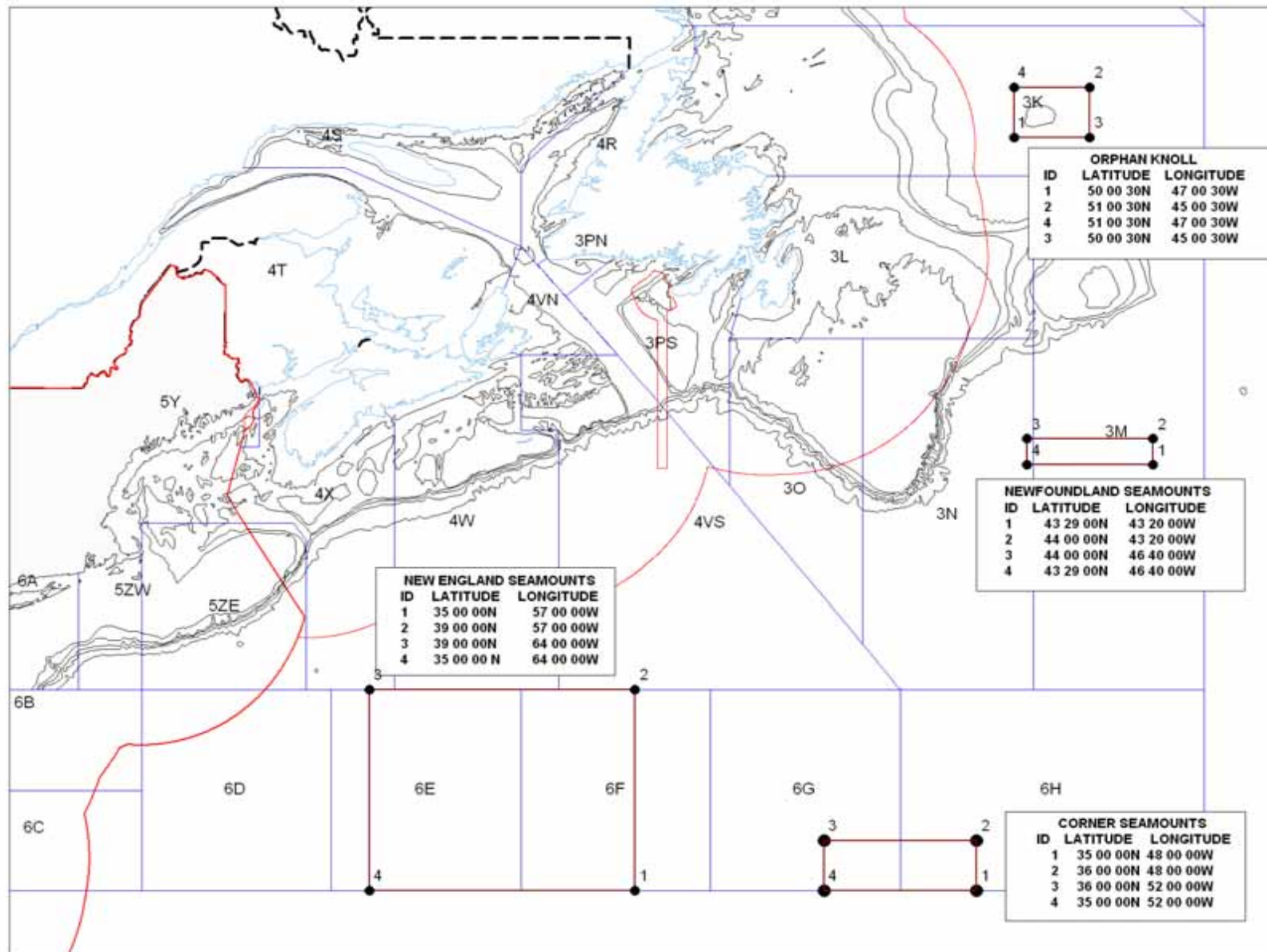
Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Orphan Knoll	50.00.30	51.00.30	51.00.30	50.00.30
	47.00.30	45.00.30	47.00.30	45.00.30
Corner Seamounts	35.00.00	36.00.00	36.00.00	35.00.00
	48.00.00	48.00.00	52.00.00	52.00.00
Newfoundland Seamounts	43.29.00	44.00.00	44.00.00	43.29.00
	43.20.00	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.

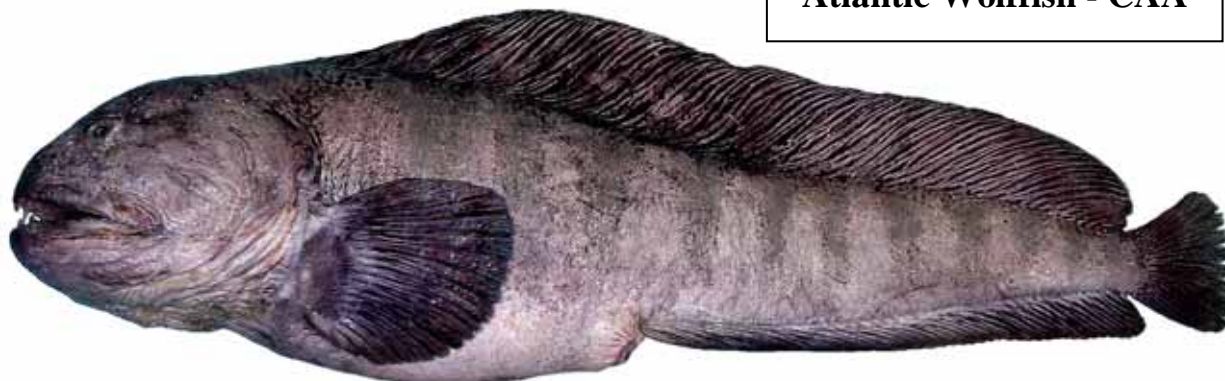
In 2005, White hake came under quota regulation in NAFO for the first time, with a Total Allowable Catch of 8500 tons. Given concerns that at least some of the white hake reported may have been misidentified as Longfin hake, a mechanism is proposed to ensure catches of these hake species be reported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

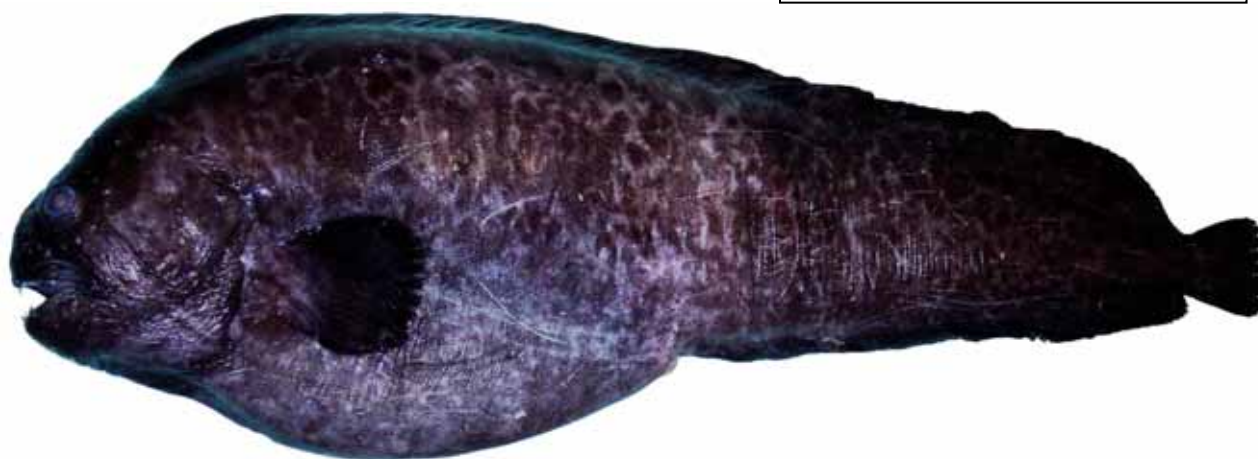
Atlantic Wolffish - CAA



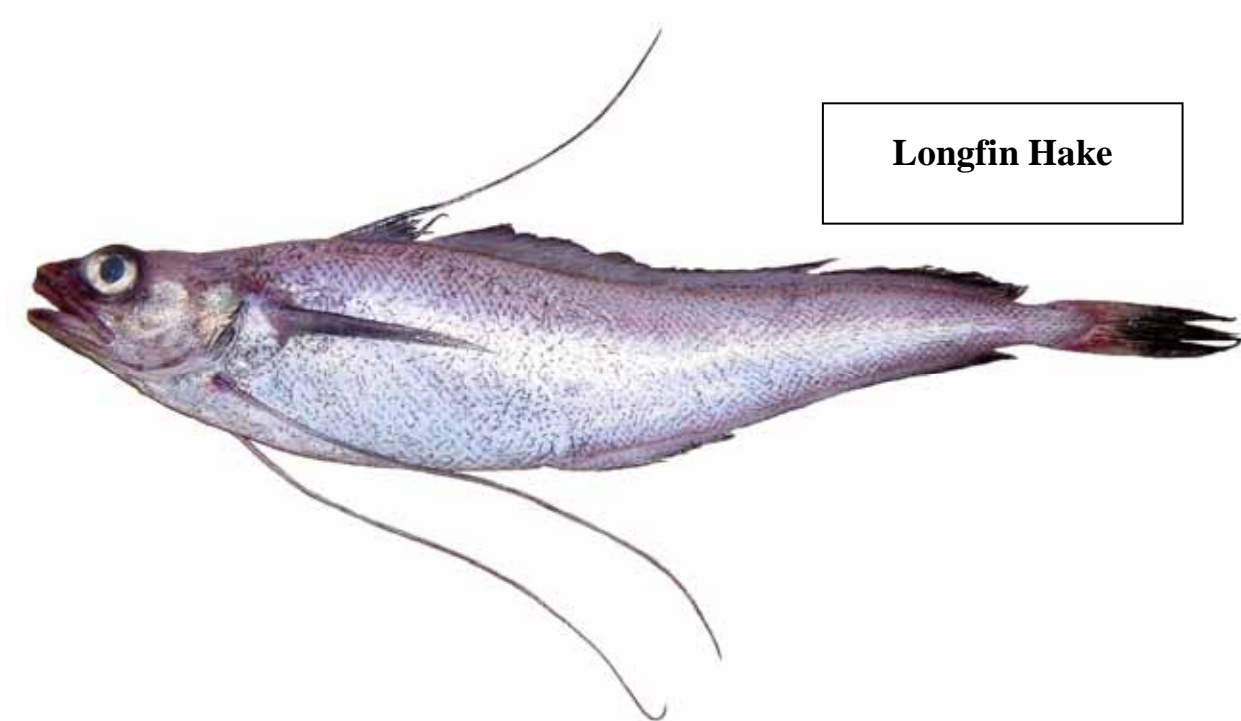
Spotted Wolffish - CAS



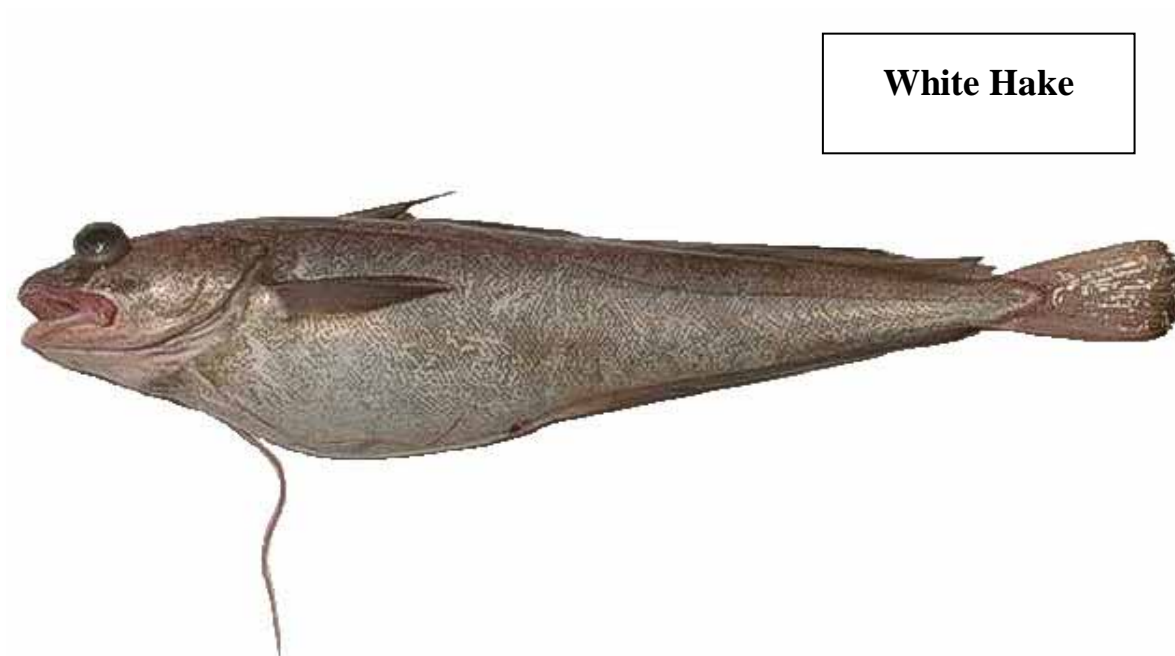
Northern Wolffish - ???



ANNEX 2 - Longfin Hake and White Hake



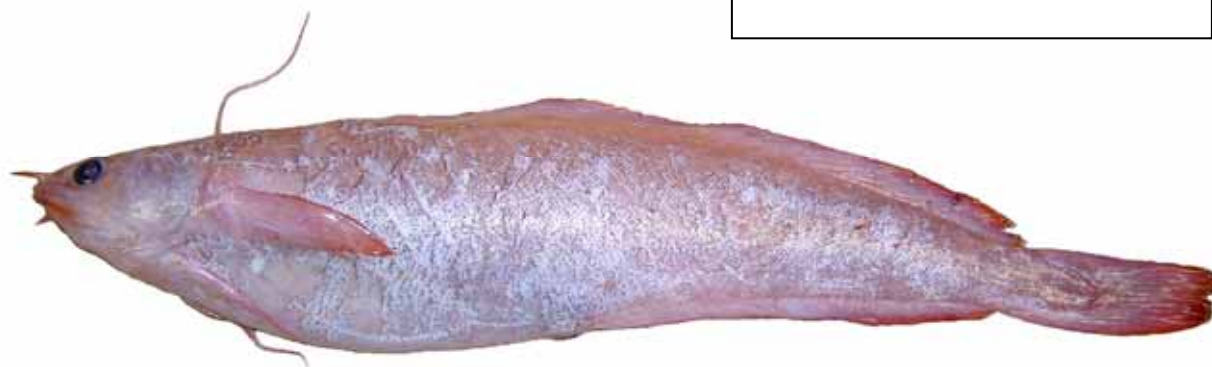
Longfin Hake



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	
Communication	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
Article 15			
		250	<i>Attempt to re-Notify a vessel</i>
		251	Vessel is not Notified
Article 22			
	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 ¹	Activity detail; position at time of transmission
Longitude	LO	M ¹	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

¹ 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 ¹	Vessel registration detail; International radio call sign of the receiving vessel
Transhipped From	TF	M ¹	Vessel registration detail; International radio call sign of the donor vessel
Latitude	LA	M ²	Activity detail; position at time of <u>estimated latitude where the master intends to do the</u> transshipment
Longitude	LO	M ²	Activity detail; position at time of <u>estimated longitude where the master intends to do the</u> transshipment
<u>Predicted Date</u>	<u>PD</u>	<u>M²</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>M²</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 on 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 ^{2,4}	0	0	14624 ⁵		0
Cuba		0	-	0	1750		627 ^{2,4}	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		15675 ^{2,3}	-	-	-		-
European Union		0 ¹¹	0 ¹¹	0 ¹¹	7813 ¹²	7000	$\frac{15675^{2,3}}{4076^{2,15}}$	0	0 ¹¹	-		0 ¹¹
France (St. Pierre et Miquelon)		-	-	-	69		627 ^{2,4}	-	-	300 ⁵		-
Iceland		-	-	-	-		15675 ^{2,3}	-	-	-		-
Japan		-	-	-	400	150	627 ^{2,4}	-	-	-		-
Korea		-	-	-	69	100	627 ^{2,4}	-	-	-		-
Norway		0	-	-	-		15675 ^{2,3}	-	-	-		-
Russia		0	0	0	9137	6500	15675 ^{2,3}	-	0	-		0
Ukraine						150	627 ^{2,4}					
United States of America		-	-	-	69		627 ^{2,4}	-	-	-		-
Others		0	0	0	124	100	-	0	0	76 ⁵		0
TOTAL ALLOWABLE CATCH	*	*	* ¹⁶	* ¹⁶	5000 ^{8,16}	20000 ¹⁶	20378 ^{10,17}	* ¹⁶	*	15000 ⁹	* ¹⁶	*

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹	Shrimp	
Division/Contracting Party	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO
Canada	2500	0	2250	2056	N.S. ⁶	18325	
Cuba		0		-	510	245	
Denmark (Faroe Islands and Greenland)		-		238	-	245	
European Union	5000	0 ¹¹	8500	8038 ¹⁸	<u>N.S.</u> ⁶ 611 ¹³	1225 ¹⁴	
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 ⁷	794	0	
TOTAL ALLOWABLE CATCH	8500 ¹⁶	* ¹⁶	13500 ¹⁶	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.

- ⁵. 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.
- ⁶. 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).
- ⁷. 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.
- ⁸. 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.
- ⁹. The provisions of Article 9, paragraph 3 of the Conservation and Enforcement Measures shall apply.
- ¹⁰. 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.
- ¹¹. 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).
- ¹². 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.
- ¹³. 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.
- ¹⁴. 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.
- ¹⁵. Allocation of 3637 tonnes for Lithuania and 439 tonnes to Latvia following their accession to the European Union.
- ¹⁶. Applicable to 2006 and 2007.
- ¹⁷. 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.
- ¹⁸. 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
Canada	456	16
Cuba	100	1
Denmark		
– Faroe Islands	1606	8
– Greenland	515	14
European Union	3293 ¹	33 ¹
France (in respect of St Pierre et Miquelon)	100	1
Iceland	N/A	N/A
Japan	100	1
Korea	100	1
Norway	1985	32
Russia	2100	N/A
Ukraine	100	1
USA	100	1

¹ 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 ³	8038 ⁴	6951 ⁵
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 ¹	0 ²	0 ²	0 ²
TOTAL ALLOWABLE CATCH	14820	14079	13709	11856

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

² 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.

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

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

⁵ 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_{MSY})
 - yield/biomass ratio as a proxy for fishing mortality (both absolute and relative to F_{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 Canada¹. 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.

¹ 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 UNCLOS¹ and UNFA²;

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;

[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 Agreement³, 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;

[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.

PART II

Report of the Standing Committee on International Control (STACTIC)

1. Opening by the Chair, Höskuldur Steinarsson

The Chairman opened the meeting at 3:50 pm at the Radisson SAS Conference Center, Tallinn, Estonia and welcomed representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre-et-Miquelon), Iceland, Japan, Norway, Russia, Ukraine, and the NAFO Secretariat to the STACTIC annual meeting.

No opening statements were made.

2. Appointment of Rapporteur

Mr. Brent Napier (Canada) was appointed rapporteur.

3. Adoption of Agenda

The Chair reviewed the agenda, and in the interest of time, proposed the grouping of items 4 and 5. As well, the Chair identified two questions from the Fisheries Commission that would appear under item 15.

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

4. Review of Annual Returns of Infringements including review of disposition of outstanding infringements by Contracting Parties

5. Review of Surveillance and Inspection Reports

The Chair introduced the working papers (STACTIC W.P. 05/15, 05/16 05/18, 05/19, 05/25 and 05/15 revised) and proposed that STACTIC members review them outside the STACTIC meeting and return with comments.

The Chair noted that the level of detail in the reports on disposition of outstanding infringements was improved from previous years but that relevant information is lacking in some cases. He suggested that the STACTIC members should be urged to complete these tables at the earliest possible opportunity.

The revised documents were prepared on the basis of updated information provided by STACTIC members.

6. Review of Compliance

The Chair opened the item, identified the related documents and indicated that the Secretariat would now provide a presentation on the preliminary analysis conducted on the compliance data by the Secretariat this year.

The Secretariat commented that this was the second year that the Secretariat had provided the compilation of compliance data and the first year they had provided a preliminary analysis of the compiled data. The Secretariat reminded the STACTIC members that it is not in the Secretariat's mandate to provide an analysis, and it was only provided based on a request by STACTIC.

The Secretariat explained that the data for Estonia, Latvia, Lithuania and Poland were not included under the EU due to their recent accession. The Secretariat then provided a detailed review of the methodology utilized to complete the pre-analysis.

The representative of Canada noted during the presentation that the information reflected in the presentation indicating that Canada had not provided certain information was incorrect and that the corresponding information had been previously submitted to the Secretariat.

The representative of Japan indicated that information provided in the working papers contained erroneous data that had been previously identified and the corresponding correction provided to the Secretariat.

The Secretariat indicated that the presentation was intended to provide the methodology used in the preliminary analysis and was based on the information available at the time. The Secretariat extended an offer to the STACTIC members to work with them individually to update their respective information.

The representative of Canada questioned the methodology surrounding the citations as the information provided in the presentation indicated that Canada had issued only 10 citations when in fact 15 had been issued. The Secretariat explained that the table did not capture multiple citations per inspection and that another table, not yet presented, provided this information. Given this, the representative from Canada indicated that the table should be renamed to more accurately reflect the contents.

The representative of the EU indicated that there was duplication in the provided information as there were instances where EU citations corresponded to citations already issued by Canada.

The Secretariat concluded the presentation with two primary recommendations; Contracting Parties must be more diligent in their provision of compliance data to the Secretariat and there would appear to be a need for standardized reports/forms as certain information was being provided in a non-English format.

The Chair thanked the Secretariat for the presentation and urged STACTIC members to provide updated information. The Chair then turned to the issue of public disclosure of compliance data and questioned the STACTIC members on whether this information should be available to the public.

The representative of Norway indicated that prior to considering the disclosure of information, another round of updates to the information should take place and a more careful review of the data must be conducted as there appeared to be something wrong.

The representative of Denmark (in respect of the Faroe Islands and Greenland) questioned whether, given last years compilation, any conclusions could be drawn on whether or not there had been an improvement. The Secretariat replied that the preliminary analysis was not conducted last year and therefore no conclusions of this nature could be drawn due to the differing methodologies. The representative of Denmark (in respect of the Faroe Islands and Greenland) cited some inconsistencies (number of trips, Observer reports, number of trips inspected) in assumptions/methodology utilized to derive some of the information.

The representative of Canada thanked the Secretariat for the significant work and effort but indicated that the methodology/terms would need to be standardized and agreed on by all parties. Canada also voiced concerns over the conclusions/recommendations provided by the Secretariat and indicated that it is STACTIC's mandate to provide the conclusions/recommendations, not the Secretariat.

The representative of the EU thanked the Secretariat for its work on the data compilation and associated preliminary review and pointed out that this presentation highlights many of the issues facing STACTIC. The representative of the EU went on to indicate that; they share the conclusions of other STACTIC members regarding the need for continuity and trend information. He reiterated that there were duplicate citations and stated that the EU would provide updated information to the Secretariat. He also agreed with the representative of Canada that it was not the Secretariat's role to provide conclusions/recommendations and that their focus should be on compilation and basic analysis.

The representative of Iceland thanked the Secretariat for its work and questioned the rationale/logic of some of the information provided, indicating that there appears to be misunderstandings on the part of the Secretariat. The representative of Iceland also indicated that there are several legitimate reasons for missing information highlighted in the presentation.

The STACTIC members agreed that it was not the role of the Secretariat to provide conclusions/recommendations.

The representative of Canada cautioned the group that the compliance rates provided in the report appeared to be overestimated, especially when considered in light of information provided by the Scientific Council regarding quota overruns in the Greenland halibut fishery. The figures provided would be better described as detection rates than compliance rates.

The representative of the EU cautioned about jumping to conclusions and cited the potential for erroneous conclusions. The representative of the EU reiterated that the conclusions/recommendations should be left to the STACTIC members.

The representative of Canada presented a supplementary presentation on Canada's assessment of 2004 compliance. Canada observed an improvement in compliance in 2004, however continued to have concerns with respect to none compliance, particularly in the area of catch misreporting. During the presentation the representative of Canada urged STACTIC members to focus on possible recommendations to the Fisheries Commission. In this regard, he noted that Canada would be submitting proposals under agenda item 14 (Accurate Catch Reporting).

The STACTIC members agreed on the establishment of a working group to review the Secretariat's presentation and attempt to formulate conclusions and recommendations for future compliance assessments. The working group returned a report entitled Annual Compliance Review – 2004 (STACTIC W.P. 05/41 revised)

The STACTIC members agreed that a peer review group comprised of the working group would work with the Secretariat in developing the 2005 analysis prior to the 2006 intersessional meeting.

Discussion of the Secretariat's compilation tables/preliminary analysis

The Secretariat's tables and preliminary analysis facilitated discussion by the STACTIC members on various aspects of the reporting requirements and data collection/interpretation. The STACTIC members welcomed and appreciated the efforts of the Secretariat to ease the burden of STACTIC in producing the compliance report. However while appreciative of the efforts there were several aspects of concern identified by them.

- a. Concern that data submitted by some Contracting Parties (CPs) was not included in the report
 - i. There were several incidences where STACTIC members indicated that the data indicated as missing by the Secretariat had been submitted. (The Chair advised individual STACTIC members to follow up directly with the Secretariat.)
- b. Presentation of certain data allowed for misinterpretation/confusion
 - i. There appeared to be confusion between VMS reports and hail messages when explaining the methodology for calculating the number of trips.
 - ii. The numbers of inspections were divided by the number of infringements to develop "compliance rates". However STACTIC members expressed the view that while this data is useful to determine the "detection rate" (i.e. the percent of inspections that resulted in infringements) it cannot be used as the sole indicator of compliance rates.
- c. In some cases the current method of compiling the infringement summaries by CP may result in a higher percentage of infringements than the actual number of incidents.
 - i. In cases where infringements had been detected by inspectors from one CP and a follow-up inspection conducted by inspectors from the flag CP resulted in a similar finding, multiple infringements resulted from the same incident (i.e. double counting - especially in the case of EU vessels)
- d. Using percentage comparative analysis amongst CP with disproportionate fleet sizes (drawing conclusions from small sample sizes)
 - i. While comparing data amongst CPs using percentages as the basis, the data is often exaggerated for CPs with small fleets (i.e. the potential conservation/ compliance impact may appear to be greater than it is)

- e. Errors in the data tables presented
 - i. STACTIC members identified cases where the data presented by the Secretariat (e.g. number of trips) as not factually correct.
- f. Tabular headings did not always accurately reflect the content of the column
 - i. In some cases the explanation of the data did not match the heading (e.g. apparent Infringements column actually was the number of vessels cited)
- g. The presentation focused on administrative compliance but not vessel compliance
 - i. STACTIC members expressed the view that the Secretariat's presentation largely focused on the performance of the CP's in following protocols for report submission but did not focus enough on vessel compliance issues (albeit the accompanying report did contain some information pertaining to vessel compliance). CP's need to know the areas of non-compliance in order to focus MCS efforts and determine conservation impacts.
- h. Deriving conclusions and recommendations
 - i. STACTIC members expressed the view that conclusions and/or recommendations for improvement should be determined by the STACTIC working group. The secretariat should only compile data and generate statistical analysis.

7. Update regarding participation in Pilot Project on Observers, Satellite Tracking and Electronic Reporting

The Secretariat provided a brief update on the participation to date in the Observer/VMS Pilot Project (STACTIC W.P. 05/20) and indicating there were currently only two vessels actively participating in the pilot, down from a larger number in July and August. The Secretariat continues to receive reports every 24 hours and forwards them, as well as weekly reports, to the two Contracting Parties with inspection presence in the NRA (Canada and the EU).

The representative of Norway provided a brief summary of their experiences (STACTIC W.P. 05/27) and indicated that it had not had a vessel involved in the pilot since January due to the increased cost of oil and the relatively low market value of shrimp. The representative of Norway indicated that although the pilot had lasted for two years a lower number of vessels than intended had participated and therefore it is difficult to draw conclusions. He proposed an extension of the pilot project through 2006 and the Contracting Parties that participated in the pilot should provide reports up to the date of June 30, 2006 so the report can be presented in due time for the Annual Meeting in September.

The representative of Canada supported Norway's proposal for an extension.

The representative of the EU supported Norway's proposal.

The representative of Iceland indicated that, based on catch/discard ratio information, the reduction in observer coverage did not affect compliance but did result in cost savings.

The representative of Denmark (in respect of the Faroe Islands and Greenland) observed that the results of Iceland's data were from the shrimp and redfish fisheries, two fisheries that have relatively fewer compliance problems and indicated that more data and greater participation were required before conclusions could be drawn, however the findings in the Faroese pilot project concurred with the Icelandic results. Furthermore, Denmark (in respect of the Faroe Islands and Greenland) indicated the Observers performed a valuable function in Greenlandic waters, tracking size and composition of shrimp and by-catches as it is their experience that there is a significant difference in discards reported with and without an Observer.

The representative of Ukraine indicated that, based on the information provided, it appeared as though the observers in their current capacity were unable to provide objective information and that the Scientific Observer scheme proposed by Ukraine would function better.

It was agreed that the pilot project on Observers, Satellite Tracking and Electronic Reporting would be extended through 2006.

8. Provisions regarding designated ports and charter arrangements

The representative of the EU distributed STACTIC W.P. 05/29 (revised). This proposal suggested modifications to the NCEM intended on clearing confusion with regards to the interpretation of the designation of ports. The changes include a requirement to communicate a list of designated ports to the Executive Secretary by January 1, 2006 and any subsequent changes to this list fifteen days prior to the changes coming into effect. As well, the proposal called for authorized vessels or their representative to provide the port authority with estimated arrival, quantity of GHLL and information on the zone(s) where the catches were taken 48 hours before the estimated time of arrival.

The representative of Canada indicated that the modified proposal adequately addressed its original concern over the ambiguity of the term “zone(s)”

The representative of Japan questioned whether this provision applied to transportation vessels or solely to fishing vessels. It was explained by the EU that, based on the current text, a fishing vessel, as defined under Article 2 of the NCEM, included vessels normally engaged in fisheries support activity.

The revised proposal was accepted and the item was closed.

9. Possible amendments of Conservation and Enforcement Measures

i. boarding ladders

The representative of Denmark (in respect of the Faroe Islands and Greenland) presented STACTIC W.P. 05/22 and indicated that the proposed changes reflected the provisions of the IMO with regard to construction and fastening of boarding ladders and actually went beyond the provisions with the inclusion of additional safety elements provided for by other organizations.

The representative of Ukraine questioned whether NAFO had the mandate to effect these changes as this was a safety issue and not a fisheries issue and IMO rules should apply. The representative of Ukraine also indicated that the rules were satisfactory, as currently written and any deviation from IMO protocols would be illegal.

The representative of the EU supported Denmark’s (in respect of the Faroe Islands and Greenland) proposal and indicated that it was his experience that the application of the IMO provisions and the standard of ladders being employed had been deteriorating. The EU also indicated that a recent injury to an inspector due to a rotten boarding ladder highlighted the need for tighter measures. The representative of the EU also indicated that the hazards involved in the work of NAFO inspectors should warrant immediate action on this issue.

The representative of Iceland indicated that, as there was no deviation from the IMO provisions, they supported Denmark (in respect of the Faroe Islands and Greenland)’s proposal.

The representative of Canada applauded Denmark (in respect of the Faroe Islands and Greenland)’s effort and indicated that Canada supported the comprehensive proposal. As well the representative of Canada echoed the EU’s sentiments with regards to the need for immediate action.

All STACTIC members, except for Ukraine, accepted this proposal.

ii. duration of inspections

The representative of the EU presented STACTIC W.P. 05/31 and provided a brief summary of the two proposed amendments; addition of a thirty minute prior notification provision and the extension of the inspection duration from three to four hours to harmonize with NEAFC scheme.

The representative of Russia indicated that the thirty-minute notification proposal was discussed at the Inspector's Workshop, held in Brussels earlier this year, and he expressed support for the proposal

The representative of Denmark (in respect of the Faroe Islands and Greenland) did not have any issues with the proposal but did indicate that the element of surprise was important in their domestic enforcement practices.

The representative of Canada indicated that he was pleased to see STACTIC consider recommendations coming from the Inspector's Workshop, however he indicated that, although Canada supported the increased inspection duration there were concerns with the thirty minute prior notification component. He indicated that this proposal was not reflective of the conclusions of the Inspector's Workshop. He also highlighted other potential negative aspects of the proposal, e.g. the possibility of an increase in administrative citations for non-compliance, the potential for evidence to be destroyed during the thirty-minute period and the loss of the element of surprise. He also mentioned the potential for future non-involvement of inspectors in workshops due to the perception that their input was not considered.

The representative of the EU indicated that the proposed 30-minute period was insufficient time for the crew to rectify irregularities and was as much a safety/security issue, citing the need for adequate time for the master to assemble the necessary crew.

The representative of Norway indicated a prior notice of thirty minutes could give time to make illicit actions.

There was no consensus reached so the issue was closed.

iii. review of provisions of Article 9 re interpretation

The representative of the EU presented STACTIC W.P. 05/28 and indicated that this proposal provided needed clarification to Article 9 of the NCEM that stemmed from the desire to avoid misunderstandings and differences of interpretation. The proposed amendments introduced some flexibility with regard to the prohibition on conducting a directed fishery and were balanced by clear rules on the requirement to move five nautical miles in order to ensure that vessels would not retrace the path of a previous haul.

The representative of Canada indicated that the proposal appeared to be less restrictive than the current text and relied heavily on the integrity of the masters. Canada had several areas of concern including the 48 hour provision and the fact that the concept of "area" was not defined. The representative of Canada indicated that they would be willing to entertain a revised proposal that included additional measures such as exploratory tows of limit duration, water depth and distance of relocation. The representative of Canada indicated that any rewording would need to ensure stock protection while also being fair and equitable to masters.

The representative of Denmark (in respect of the Faroe Islands and Greenland) was content with the EU's proposal, as it appeared easier for inspectors to implement and it provided clear instruction to the master. As well it was Denmark (in respect of the Faroe Islands and Greenland)'s opinion that the concept of area was understood as area of fishing activity.

The representatives of Canada and the EU agreed to collaborate on a revised proposal with the view to tabling it at the upcoming STACTIC intersessional meeting.

iv. product labeling by species/stock area

The representative from Canada presented STACTIC W.P. 05/33 which provided enhancements to the labeling provisions as set out in Article 18 as well as additions to Annex XX1(c) containing product form codes.

Concerns were expressed by a number of STACTIC members about including the division and date for all species. It was also noted that new product codes may create inconsistencies with the NEAFC Regime.

Canada undertook to revise the proposal to address these concerns.

The representative of Canada later presented STACTIC W.P. 05/33 (revised) and indicated that the revised proposal incorporated the comments made previously by STACTIC members most of the elements are currently applied by vessels and the added clarity would allow for more accurate reporting. Canada indicated it would also endeavor to talk further on NEAFC implications and future modifications.

The representative of the EU appreciated Canada's effort however, after reviewing the proposal in greater detail, indicated that the product labeling initiative was just getting on track and to begin making modifications at this early stage may not be wise. The representative of the EU suggested that further reflection would be appropriate.

As there was no consensus at this time, it was agreed that this issue could be revisited at a later date.

v. measurement of and safe access to fish holds

The representative of the EU provided background on this issue and indicated that attempting to establish protocols would be problematic due to the multitude of vessel configurations and the best way forward would be to handle this pragmatically.

The representative of Canada supported the EU position and indicated that the present NCEM provided sufficient latitude.

The representative of Denmark (in respect of the Faroe Islands and Greenland) reminded STACTIC members that the original issue pertained to safety equipment requirements for inspectors and indicated that this was best left to the inspecting parties.

The issue was closed.

vi. strengthening ropes, bags, topside chafers

This item was a follow-up to the 2005 intersessional meeting of STACTIC, where STACTIC members were requested to provide information regarding fishing gear attachments used in their domestic fisheries. As only Russia, Denmark (in respect of the Faroe Islands and Greenland) and Canada have provided the requested information to date, this issue was put over to the next STACTIC meeting. All STACTIC members were again requested to provide the information prior to that meeting.

vii. data exchange and format protocols

The representative of Iceland presented STACTIC W.P. 05/09 (revision 2) which added two data-elements into the return message and a new error code table to make the return messages more useful and allow for better error detection.

The representatives of Canada, Norway, EU and Russia supported the proposal and the proposal was accepted.

viii. definition of prior notice (Article 28.1)

Item previously addressed under agenda item 9 ii.

ix. notification requirements in 3L shrimp fishery

The representative of the EU presented STACTIC W.P. 05/30 to attempt to provide clarity to this issue.

The representative of Iceland acknowledged the improvement however indicated there were technical issues that would need to be reviewed in the context of Data Advisory Group advice. The representative of Iceland also indicated that time should be taken to ensure this is properly addressed and as simple as possible, not feasible at this meeting.

The representative of Denmark (in respect of the Faroe Islands and Greenland) concurred with Iceland and indicated it would also like to see a simpler scheme. As well, Denmark (in respect of the Faroe Islands and Greenland) recommended the establishment of a working group to review this issue.

The representative of the EU agreed with the comments.

The representative of Canada supported the notion that clarity is required and should be carefully reviewed in a working group comprised of technical and non-technical participants.

The representative of Denmark (in respect of the Faroe Islands and Greenland) suggested the use of the NAFO website forum.

The working group is comprised of Iceland, Denmark (in respect of the Faroe Islands and Greenland), the EU and Canada and will be open to all STACTIC members. The working group is charged with the development of a proposal for presentation at STACTIC intersessional.

x. article 32 – designated ports

The representative of France (in respect of Saint-Pierre-et-Miquelon) presented STACTIC W.P. 05/34 for consideration. The proposal called for the port of St. Pierre, France to be added as an available harbour for port inspections given it geographically desirable location.

The representative of the EU had no issues and supported the proposal.

The representative of Canada supported the proposal.

The proposal was accepted.

10. Port State Measures

The representative of Norway indicated that he was not prepared to present their proposal on port State measures, under item 10, at this time as it was Norway's intention to first present the proposal at NEAFC later this year. The representative from Norway pledged to return with a proposal at the earliest possible time. The agenda item was closed.

11. Encryption Protocol for Electronic Data Transmission

The Secretariat introduced STACTIC W.P. 05/26, which was approved by mail vote, and provided an update on the issue, including a modified draft based on Ukrainian comment.

The representative of Ukraine indicated he would review the modifications made to the Secretariat's proposal and provide comments.

The representative of Denmark (in respect of the Faroe Islands and Greenland) indicated that he supported the proposal in principle however suggested that this should be passed on to the advisory working group on data communication.

The representative of Denmark (in respect of the Faroe Islands and Greenland) furthermore indicated that he would circulate a proposal on the security solution to the HTTPS and this would also be passed on to the advisory working group on data communication. There was no wish to discuss this paper at this meeting.

12. Electronic Observer Reports

This issue was deferred from the STACTIC intersessional meeting in April to allow for further review. The Secretariat introduced STACTIC W.P. 05/23.

The representative of Canada indicated that there were two primary issues; electronic transmission and the adoption of a standardized format for those transmissions. Canada reminded STACTIC members that it was already agreed at the last Annual Meeting that Observer reports were to be sent to the Secretariat in an electronic format and, irrespective of the format, Contracting Parties should be providing the Secretariat with electronic reports.

The representative of the EU agreed with Canada on the submission of electronic reports but pointed out that a decision on the format issue should be held off until the issue was resolved by the Fisheries Commission.

The Secretariat requested information on whether or not it could send the electronic reports via e-mail “as-is” or was there a requirement for some form of security.

The representative of Iceland indicated that, although the NCEM did not mention the security issue, reports should be handled in the same manner as they are handled when submitted from the vessels.

The representative of the EU concurred with Iceland’s statement and indicated that the Secretariat should err on the side of caution. As well, the EU pointed out the NCEM calls for the removal of elements (e.g. longitude and latitude) prior to submission to other Contracting Parties.

This item was postponed while awaiting information on the future of the Observer Program scheme.

13. Evaluation and Options regarding VMS Service Provider

The Secretariat introduced STACFAD W.P. 05/08 and provided a summary of the issue.

The representative of Denmark (in respect of the Faroe Islands and Greenland) sympathized with the Secretariat’s problem and indicated that a local resource, proficient in database management and data communication should be sought.

The representative of Iceland noted that the issue has two parts; the VMS is one, and the extraction of information from the database is the other. Iceland supports Denmark (in respect of the Faroe Islands and Greenland)’s comments on local service provider, where that is applicable.

The representative of Canada indicated that STACFAD was concurrently examining this issue and that a coordinated solution should be sought.

14. Accurate Catch Reporting

Canada presented two proposals aimed at improving the accuracy of catch reporting. STACTIC W.P. 05/38, dealing with the identification of hake and wolffish species was accepted by STACTIC. The second proposal (STACTIC W.P. 05/39) dealt with electronic reporting of catch information and inspection requirements for vessels entering the NRA with catch on board from other jurisdictions. Although this proposal was not accepted by STACTIC there was support from a number of STACTIC members for electronic reporting on a weekly basis and Canada was encouraged to submit a proposal on electronic reporting.

The representative of Canada later presented STACTIC W.P. 05/40 and indicated that the proposal incorporated comments made by STACTIC members.

The representative of Iceland indicated that they supported the notion of information flow, however indicated that the electronic catch reporting proposal should undergo a technical review.

The representative of Canada indicated that the proposal would undergo a technical review with the view to tabling it at the upcoming STACTIC intersessional meeting.

15. Other Matters

STACTIC considered the questions on the Observer Program put forward by the Fisheries Commission and the response can be found in FC W.P. 05/13.

16. Election of Vice-Chair

Mads T. Nedergaard was re-elected to the post of Vice Chair.

17. Time and Place of Next Meeting

It was proposed that the next meeting would be held in Copenhagen, date to be confirmed.

18. Adoption of Report

The report was adopted.

19. Adjournment

The meeting adjourned at 8:50 pm on Wednesday, September 21, 2005.

Annex 1. Agenda

1. Opening by the Chair, Höskuldur Steinarsson (Iceland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Annual Returns of Infringements including review of disposition of outstanding infringements by Contracting Parties
5. Review of Surveillance and Inspection Reports
6. Review of Compliance
7. Update regarding participation in the Observer/VMS Pilot Project
8. Provisions regarding designated ports and charter arrangements
9. Possible Amendments of Conservation and Enforcement Measures
 - i. boarding ladders
 - ii. duration of inspections
 - iii. review of provisions of Article 9 re interpretation
 - iv. product labeling by species/stock area
 - v. measurement of and safe access to fish holds
 - vi. strengthening ropes, bags, topside chafers (all delegations to provide national measures on attachments to nets)
 - vii. data exchange and format protocols
 - viii. definition of prior notice (Article 28.1)
 - ix. notification requirements in 3L shrimp fishery
10. Port State Measures
11. Encryption Protocol for Electronic Data Transmission
12. Electronic Observer Reports
13. Evaluation and Options regarding VMS Service Provider
14. Accurate Catch Reporting
15. Other Matters
16. Election of Vice-Chair
17. Time and Place of Next Meeting
18. Adoption of Report
19. Adjournment

SECTION III
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the Reform of NAFO
25-28 April 2006
Montreal, Quebec, Canada**

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Report of the Working Group on the Reform of NAFO

(GC Doc. 06/1)

**25-28 April 2006
Montreal, Quebec, Canada**

1. Opening by the Chairperson (Staffan Ekwall, EU)

Delegates from all Contracting Parties except Bulgaria, Cuba and Republic of Korea were in attendance (Annex 1). Canada, Norway, the EU, USA, Russia, Ukraine, Iceland, France (in respect of St. Pierre et Miquelon) and Denmark (in respect of Faroe Islands and Greenland) addressed the meeting outlining their expectations for the reform process and thanking the Chairperson for the useful working paper submitted earlier (Annexes 2-7).

2. Appointment of Rapporteur

The Executive Secretary of NAFO, Johanne Fischer, was appointed rapporteur of the meeting.

3. Adoption of Agenda

It was agreed that while the draft agenda identified the main issues in the Terms of Reference, other issues might have to be addressed during a detailed examination of the Convention. With that understanding, the agenda was adopted (Annex 8).

4. Organization of the Meeting and Review of Terms of Reference

It was understood that the mandate of the Working Group was mainly to review and, if appropriate, revise the NAFO Convention. Other issues related to the reform of the monitoring, control and surveillance scheme should therefore be discussed by STACTIC whereas management issues should be discussed by the Fisheries Commission.

The Chairperson welcomed the Chairpersons of the Scientific Council, the Fisheries Commission and STACFAD who had been asked to participate in this meeting to give input to the discussion from their perspective and to bring back to their bodies any issues identified by the meeting. The chairperson of STACTIC did not attend the meeting.

Following an initial exchange of views on the main issues in the agenda, it was agreed that a Working Paper prepared by the chairperson (Reform WG WP 06/1) should form the basis for a more detailed discussion. Some parties explained that while not having any objections to base the discussion on this Working Paper, they needed to reserve their position since they had not yet received the necessary instructions from their authorities and they were therefore not in a position to give any detailed comments at this stage.

It was explained by the chairperson that this Working Paper had been prepared on his own initiative in order to stimulate debate and did therefore not constitute a proposal from any Contracting Party.

It was further explained that this Working Paper had been inspired by a Working Paper by Norway (GC WP 05/1 - The NAFO Convention in the context of recent developments concerning ocean governance) in light of recent developments elsewhere, in particular within the framework of the North East Atlantic Fisheries Commission (NEAFC), the South East Atlantic Fisheries Organisation (SEAFO), the South Indian Ocean fisheries Agreement (SIOFA), the Inter American Tropical Tuna Convention (IATTC) and the Western and Central Pacific Fisheries Convention (WCPFC), whose Conventions or Agreements had all been negotiated or were in the process of being reviewed following the UN Fish Stocks Agreement of 1995 (UNFSA).

In addition, the Chairperson had taken into account the discussions of the Working Group on Dispute Settlement of NAFO contained in GC Doc 01/4 (Report of the Working Group on Dispute Settlement Procedures), and GC WP 03/1 (Report of Consultations between Canada, EU, Latvia and the US).

Much of the discussion summarised below took place during a detailed review of the Chairperson's Working Paper. The present report focuses on the substantial issues identified by participants during these discussions.

5. Ocean Management Issues

Delegates agreed that NAFO should move towards a more integrated ocean policy and that there was a need to take into account more modern concepts of fisheries management. This could be achieved by redefining the objective of the Organization, introducing definitions of terms, articulating the Organization's fundamental principles and identifying the mandate and functions of the Commission. The main issues for discussion were:

- Redefining the objective of the Convention: Some delegates felt that the term "optimum utilization" should be maintained as one of the objectives of an amended NAFO Convention. Other delegates felt that this term was a concept of the past and preferred that the objective should refer to conservation and sustainable use. It was agreed that this matter needed further consideration. A proposal by DFG was circulated towards the end of the meeting but was never discussed due to lack of time (Annex 9).
- Species under NAFO management: Participants considered the species to which the Convention applies should be reviewed, especially with regard to possible overlaps with other Regional Fisheries Management Organizations. An important distinction was made between fishery resources that NAFO should manage (defined as fisheries resources) and other species that need to be taken into account by NAFO when moving towards a more integrated oceans policy (defined as living marine resources). The discussion specifically addressed how to deal with sharks, sedentary species and seals. Some delegates felt that it might be desirable to include a mandate for seals for NAFO in the context of improved ecosystem considerations. The issue of seals was discussed at length but remained inconclusive.
- Ecosystem Considerations: Although participants agreed that a future fisheries management regime should explicitly take ecosystem considerations and the precautionary approach into account, reservations were voiced against the use of the term "Ecosystem Approach" as an international standard definition of this term does not yet exist. Other participants found that the term "Ecosystem Approach" should nonetheless be referenced in the NAFO Convention as it has been included in other international contexts (e.g. Johannesburg Plan of Implementation). The Russian delegation offered to explore the possibility of providing a possible definition for the term "Ecosystem Approach" in consultation with the Chair of Scientific Council.
- Sanctions: It was proposed to include in the Convention a basic principle to the effect that sanctions applicable to infringements are adequate in severity to effectively secure compliance.

6. Structure of NAFO

Participants agreed that there is a need to re-structure and streamline the Organization. The discussion focused on the following elements:

- It was agreed that a merger of the General Council and the Fisheries Commission into one Commission would be a desirable step. Such a merger would entail a redefinition of the mandate and functions of the new Commission in the Convention.
- There was broad support to merge the Standing Committee on International Control (STACTIC) and the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC), since many of the issues dealt with by these bodies were very similar by nature. Some concerns were however expressed raised about the added work load to the resulting Committee. The participants deferred this matter to STACTIC for consideration at its meeting in June 2006. Also, it was recognized that the mandate of the resulting committee would have to be defined in the Rules of Procedures where the mandates of current committees are described.

- Participants also proposed that the question of any re-structuring and redefinition of the functions of the Scientific Council should be discussed at the next Scientific Council meeting in June 2006.

7. Decision Making Process

Delegates agreed that the decision making process needs to be modernised but recognized that the matter will require further consideration to ensure that the whole process (including provisions for dispute settlement) is coherent. Several delegates expressed the view that the relevant provisions in the SEAFO Convention could serve as an inspiration in this regard. The main issues for discussion were the following:

- Majority voting vs consensus: Delegates concurred that a decision making process should in general be based on consensus. This should not exclude the possibility of a voting procedure if consensus cannot be reached which would reflect the current practise in NAFO and could therefore constitute a feasible option.
- Objection procedure: Some delegates felt that the objection procedure was a concept of the past and could be replaced with more modern concepts such as panel reviews. The delegation of Canada tabled a proposal, based on the WCPFC model for decision-making, whereby a Contracting Party that has voted against a decision, could request a panel to review the Commission's decision (Annex 10 - Reform WG WP 06/5). With respect to the objection procedure, some Parties felt that it remained a necessary instrument to safeguard the interests of all Parties. It was nevertheless agreed that if the objection procedure was to be maintained, the procedures and the post-objection behaviour of the objecting Party would have to be circumscribed to avoid that such objections undermine the objectives of the Convention.
- Review meeting: Some parties suggested that a review meeting of the Commission after an objection could constitute a way to improve dialogue regarding the disputed measure among Parties. DFG proposed a specific procedure for "mandatory conciliation", as contained in WG WP 06/10 (Annex 11) Other parties expressed doubts about the practicability of such a meeting and fears that such a meeting would only prolong the process towards a peaceful settlement of the dispute. The delegation of Canada tabled a proposal that would considerably reduce the time period for the use of the objection procedure and the settlement of disputes (Annex 12 – Reform WG WP 06/12).

8. Dispute Settlement Procedures

There was a general understanding that the introduction of dispute settlement procedure in the NAFO Convention is desirable. It was recognized that such a procedure would be intrinsically linked to the decision-making process. While several options were discussed, the meeting felt that results of the consultations between the EU, Canada, USA and Latvia (WP 03/1 referred to above) could represent a possible solution with some minor modifications. Under this item, the meeting also considered draft rules of procedure for the proposed ad hoc panel which are attached as an annex in the working paper by the chairperson.

9. Other matters pertaining to the Convention.

- **Budget**: A proposal to amend Article XVI of the current Convention by changing the word "Convention Area" in paragraph 3.c to "Regulatory Area" was discussed. Such a change would result in significant changes to the financial contributions by individual Contracting Parties to the Organization (see Annex 13).

While several delegates expressed doubts about this specific proposal, delegates in general expressed an open mind to review the current contribution formula although concerns were voiced with regard to the amount of time required for this. It was agreed that the proponents of the proposal would work with other delegations and the Secretariat to explore feasible options before the next meeting.

- **Species forming the basis for the contribution formula**: The species whose catches are used for the calculation of financial contributions by Contracting Parties are currently listed in Annex I of the Convention. The meeting proposed to take this list out of the Convention and instead introduce it in the Financial Regulations thus providing NAFO with more flexibility for future developments. Canada

proposed to eliminate Atlantic mackerel, Atlantic butterfish, and river herring from the current list. The Scientific Council was asked to verify if the list reflects the fishery resources which are being found in NAFO Convention Area.

- **Review clause:** It was proposed to include a review clause in the NAFO Convention in order to ensure reviews at regular intervals. This concept was generally supported by the participants. Some delegates suggested that the draft performance review prepared by NEAFC could serve as an inspiration in this regard.
- **Statistical information:** The Scientific Council Chairperson expressed the need to discuss the quality and timeliness of statistical information used by the SC for their assessments. He stressed that sometimes there are substantial differences in catch reports from different sources. He also pointed out that not all information is made available to the SC.
- **Allocation of quotas:** Regarding Article XI, paragraph 4 of the current Convention, the wording in paragraph 3 was queried with regard to “... *the Commission shall give special consideration to the Contracting Party whose coastal communities are primarily dependent on fishing for stocks related to these fishing banks ...*”. For the record, Denmark (in respect of Faroe Islands and Greenland) and France (in respect of St. Pierre et Miquelon) proposed the use of “*Contracting Parties*” (plural) instead of “*Contracting Party*” whereas Canada wishes to maintain the singular.
- **Contracting Party/Flag States/Port State Duties.** Participants saw a need to improve the definition of obligations of Contracting Parties, Flag States and Port States in the Convention. The delegate of Canada tabled a proposal for changes and additional text to the duties of Contracting Parties and Flag States (Annex 14 – Reform WG WP 06/3). While some delegates generally expressed satisfaction with the Chair’s text, other delegates felt that these duties could be merged into one article to avoid repetition. Some delegates also felt that the relevant provisions on port state duties needed to be more general and the details should be left for secondary legislation. It was suggested that STACTIC review the draft text on port State duties at its June 2006 meeting.
- **Cooperation with Non-Contracting Parties and other organizations:** Delegates concurred that a more detailed provision to cooperate with Non-Contracting Parties as well as a provision to cooperate with other organizations would be desirable in the Convention. Other organizations could include those that have mandates outside fisheries, e.g. for marine ecosystems.
- **Headquarters Agreement:** It was proposed to include a requirement for a Headquarters Agreement in the Convention as this is the standard for more recent multilateral organizations. Canada stated that it could not commit to such an agreement until it received the required authority.
- **Maritime Claims:** Some delegations pointed out that the provisions on maritime claims in Article I, paragraph 5 of the current Convention may be obsolete since the United Nations Convention on the Law of the Sea entered into force in 1994. However, other delegations reserved their positions on this issue.

Main conclusions of the Meeting

- It was agreed that the current 1979 NAFO Convention needed to be updated on many aspects. Delegates felt that the preferred course of action to avoid lengthy procedures was to amend the current Convention rather than develop a new Convention to replace the current one.
- It was agreed that the amended Convention should take account of the ongoing international efforts for more sustainable use of fisheries resources and improved protection of the ecosystems in which they occur.
- It was agreed that NAFO should move towards a more integrated oceans policy that considers other marine living resources inhabiting the same ecosystem as the fishery resources managed by NAFO.

- Participants saw a need for streamlining NAFO's structure by in particular merging General Council and Fisheries Commission into one Commission.
- A need for a modernization of the decision-making process (possibly inspired by the SEAFO Convention) was recognized.

Follow-up Actions

The Meeting decided to draw this report to the attention of other NAFO bodies which are meeting in 2006 and seek their views in particular on the following issues:

Issues referred to STACTIC:

- What would be the position of STACTIC on the proposal that STACTIC assumes the responsibilities of STACFAC which would represent a merge of STACTIC and STACFAC?
- Reform WG Delegates expressed a wish to define the concept of transshipment but considered that this definition should appear in the NAFO Conservation and Enforcement Measures (NCEM) rather than in the Convention. Against this background, does STACTIC consider that the definition of transshipment contained in the initial version of the Working Paper of the Chairperson constitute a suitable definition of transshipment in the NCEM or should any other definition be considered in this regard?
- Reform WG Delegates expressed a wish that a definition of fishing activities be included in the amended NAFO Convention but some delegates expressed doubts if the definition of fishing activities in the NCEM is still adequate. STACTIC was therefore requested to review and if necessary revise this definition.

Issues referred to Scientific Council:

- Are the provisions on the Scientific Council currently found in the Convention still adequate and are there any overlaps with the proposed functions of the new Commission?
- Review the proposal by Ukraine (Annex 15).
- Are the species listed in Annex 1 to the Convention still relevant in terms of the fishery resources currently found in the NAFO Convention Area (Canada proposed to delete Atlantic mackerel, Atlantic butterfish, and river herring from the current list)? Do any species need to be deleted or added to this list in the view of the Scientific Council?
- Are the duties of Contracting Parties regarding the collection and exchange of scientific, technical and statistical data pertaining to the Convention Area covered satisfactorily in the relevant paragraph of the Chairperson's Working Paper?

Issues referred to STACFAD

- Is it feasible to incorporate the list of species for the contribution formula into the financial regulations?
- Is it feasible to include a stipulation that financial auditors should be changed at regular intervals in the financial regulations?

Other issues

- With reference to Article XXI paragraph 3 of the current Convention, the meeting asked that Canada as the Depositary clarify as to whether Contracting Parties following an amendment procedure will have to deposit an instrument of ratification to mark their approval to the relevant amendments or whether another form of notifying their consent would be sufficient.

- Contracting Parties will have to consider whether they are willing to apply any amendments on a provisional basis.

Further Work

Several delegations expressed the view that the Working Group should meet again as soon as possible in order to keep up the momentum towards completion of the task. Options included a second meeting either in connection with the STACTIC meeting in June 2006 or just before the Annual Meeting in September 2006. The possibility of continuing to work on the Working Paper of the chairperson through electronic means was also mentioned. Participants were invited to consult with their delegations and let the Secretariat and/or the Chairperson know as soon as possible what their preferences would be.

A revised version of the Chairperson's Working Paper based on the discussion at this meeting is attached (Annex 16). This revised Chairperson's Working Paper was circulated after the adjournment of the meeting and was therefore not discussed. It was understood by meeting participants that it still represents a document produced by the Chairperson and not a document agreed by participants nor reflecting the views of all Parties.

The Chairperson also undertook to elaborate a proposal for new Rules of Procedures for the new Commission, which was to be circulated as soon as possible.

The meeting was adjourned at 16:00 hours on Friday 28 April 2006.

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Annex 2. Opening Statement by Canada

Mr. Chairman, distinguished Representatives, Ladies and Gentlemen,

It is a pleasure for Canada to host this Working Group meeting on NAFO Reform in Montreal. I will keep my comments brief and make a few statements on Canada's priorities for NAFO reform. To begin though, I would like to thank you, Mr. Chairman, for preparing the working paper which will be the basis of our discussions.

The current NAFO Convention, ratified in 1979, was the product of an earlier era. Over the years, NAFO has faced a number of challenges some of which we've successfully addressed and resolved. The consolidation of the NAFO Measures, the Greenland Halibut Rebuilding Plan and the annual review of compliance are a few noteworthy examples.

Other challenges, however, are fundamental. This week we begin to address these through open discussions and constructive drafting of Convention amendments aimed at modernizing NAFO to incorporate the most recent international legal commitments such as the UN Fish Stocks Agreement.

The commitments in the St. John's Conference Ministerial Declaration served as a catalyst for governments to begin reforming a number of regional fisheries management organizations, including NAFO, to improve governance of high seas areas. More recently, the Task Force on IUU Fishing concluded its work with a suite of follow-up actions announced in early March in Paris. These actions aim at eliminating overfishing and increasing the efficiency of RFMOs.

The reform of NAFO is very important for Canada. As a Coastal State, a strong international organization that ensures healthy straddling stocks is vital.

Some policy changes have begun in NAFO with the pilot implementation of the Precautionary Approach. We have also begun to look at the ecosystem approach and NAFO decided last year to begin collecting scientific data on a number of sensitive seamounts in the NAFO Regulatory Area. All Parties recognize the importance of rules-based decision-making. There is a growing focus on "sustainable use", the importance of adhering to the best available scientific advice, applying the precautionary approach and incorporating ecosystem considerations into fisheries management decisions.

Canada will be looking for a decision-making process that provides for resolution of disagreements and that prevents the unilateral behaviour that has compromised conservation in the past and resulted in overfishing.

Parties need to have a fair process whereby their reasons for objecting can be heard and decisions can be taken expeditiously to address their concerns, and rules are required to govern the use of objections to ensure the conservation and management of the fish stocks for which we are responsible.

Part and parcel with this, Canada places importance on having an efficient dispute-settlement procedure in NAFO that fits well with the decision-making process and the overall framework of international governance instruments.

We believe that it is also in NAFO Contracting Parties' interest to further improve the MCS scheme to curb non-compliance and achieve effective enforcement and meaningful sanctions. While a review of sanctions will be undertaken at the June STACTIC meeting, Canada feels it is important to address sanctions as a follow-up to the St. John's Declaration by explicitly providing a role for the Commission in their development and administration.

There are a few other items that are beyond the scope of this week's meeting but are part of an integrated suite of NAFO reforms that we wish to highlight. Canada will pursue the issue of capacity management at the September annual meeting. We would also like to incorporate a requirement for a NAFO Performance Review into the NAFO Convention, similar to NEAFC, as a way to address international pressures for improved accountability.

Mr. Chairman, Canada is looking forward to a constructive and positive dialogue at this meeting – one that builds confidence and advances the interests of this Organization. We are also looking forward to providing you with fine samples of Canadian and Québec hospitality later this evening. Thank you.

Annex 3. Opening Statement by the EC

Good morning,

May I firstly thank Canada for hosting this meeting. The reform is very important for the EC. In 2005, it was decided to initiate a reform process of the organisation to improve its effectiveness as a regional fisheries management organisation.

The main objective of the revision is to ensure that NAFO has a mandate to manage the fishery resources in this ecosystem in a sustainable manner and consistent with modern standards of international fisheries management. The picture has clearly changed in the Northwest Atlantic since the NAFO Convention entered into force in 1979. We need to update the Convention and review the objectives and management goals of the Convention. This revision will also be an opportunity to review the structure of the NAFO Organisation and improve the decision making procedure. We need to have an open discussion on the main issues.

I would like to thank the Chairman for his Working paper. It will be very useful to stimulate the debate on the main issues identified in the Terms of Reference of the Working Group. We look forward to working with you, Chair, and other Delegations during this session.

Annex 4. Opening Statement by the United States of America

Mr. Chairman, and colleagues among the member delegations:

On behalf of the United States let me say how pleased we are to be in Montreal. We are looking forward to a series of interesting and important discussions this week, and it is our hope that the work of this group will result in positive changes in this Organization.

We have spent a considerable amount of time since the 2005 Annual Meeting discussing the future role of the United States in NAFO and how we can contribute to these discussions. Although I could easily relay to you any number of specific U.S. goal relative to the mandate of this working group, our internal consultations have continuously brought us back to three broad principles that we would like to see addressed by this group. Although we refer here to these principles in the NAFO setting, we feel that they are in many ways universally applicable in any RFMO.

It should come to no surprise that the first of these principles is that Contracting Parties should be treated fairly in terms of the costs and benefits of membership in NAFO. This is not just an issue of comparing assessed dues and other less tangible contributions to allocations (although these are certainly considerations that should be addressed). It includes how decision-making takes place and the degree to which all Contracting Party needs are considered by the Organization. Additionally, it is clear that until NAFO stocks recover to some degree, fishing opportunities in the NAFO RA will be limited. Thus, Contracting Parties that currently enjoy allocations have a responsibility to ensure that their vessels act in accordance with NAFO conservation and enforcement measures to achieve the rebuilding necessary to allow other members to enjoy the benefits of NAFO fisheries.

The second principle is that of managing NAFO fisheries sustainably. In particular, NAFO needs to address the data gathering and report processes, procedures, and scope to ensure that resulting data is sufficiently robust to support management of sustainable fisheries. Once data flow and quality are enhanced, the Organization should do everything within its power to ensure that adopted conservation and management measures are based as closely as possible on the scientific advice. In addition, conservation and management measures must be given effect with procedures to review and support an acceptable level of compliance. MCS processes and procedures are clearly vital to this effort. However, sustainable fisheries in NAFO can only be achieved if Contracting Parties demand compliance from their vessels and follow up with sanctions to deter future violations.

Finally, the United States strongly supports the principle that science and management in NAFO should evolve in concert, consistent with both the precautionary and ecosystem approaches to management. As we examine possible ways to improve NAFO, we must look both at existing and new approaches to addressing conservation and management challenges. Globally, awareness of the complex and dynamic nature of ocean ecosystems is increasing. So too is the call for RFMOs to expand their mandates to address these ecosystems. In its discussions on reform, NAFO should consider how it can effectively begin addressing the ecosystems within its Convention Area and how such considerations should begin playing into conservation and management decisions.

As one of the first RFMOs to enter into a reform process, NAFO is being looked at carefully by the international community. It is our hope that what we do here and at future meetings will not only improve NAFO, but will be useful to all regional fisheries management organizations. We have much work to do.

Thank you, Mr. Chairman.

Annex 5. Opening Statement by Ukraine

Mr. Chairman, distinguished Delegates, Ladies and Gentlemen,

The Ukrainian delegation greets all the participants of the meeting devoted to the issue of NAFO reforming.

It is symbolic that our Working Group starts this meeting in Montreal, the town famous for its history without serious historical crises and which constantly makes the best changes in architecture and constructions, changing its face and content.

Ukraine, being the historical user of the region's resources since the ICNAF foundation as the USSR successor, supports the process of the organisation reforming. Ukraine is interested in conservation of marine living resources of this region. Ukraine welcomes the reforming process which could guarantee a fair access and distribution of the resources between NAFO Contracting Parties as well as Non-Contracting Parties in accordance with the 1982 UN Convention on the Law of the Sea.

No doubt, the text of the present NAFO Convention plays an important role in the measures on conservation of marine living resources in the NAFO Convention Area and in the waters under the jurisdiction of Coastal States. The rights of these States were guaranteed during the difficult historical period of the transition from poorly managed marine fishery to the implementation of the principles of the UN Convention on the Law of the Sea covering deep sea fishing and ensuring the rights of Coastal States in their EEZs.

For the past quarter of the century many provisions of the NAFO Convention have no longer corresponded to the new demands of the international law of the sea and international fishery practice as well as an actual state of marine living resources.

We are ready to discuss all the issues and proposals directed towards the modernisation and development of NAFO.

Ukraine is dissatisfied with the present status of the country, the quotas for which are allocated on the remainder basis and also taking account some historical periods of their distribution when the Ukrainian fleet didn't work in this region due to the economic crisis in the country. Ukraine supports particular rights, interests, advantages coastal and developing states but we are against the possibility of creation of conditions for a single or a group of States which would allow to monopolize the influence in NAFO.

The Ukrainian delegation expresses thanks to the Chair of the Working Group Staffan Ekwall and his team for the great work already done on proposing draft amendments. It is difficult to quickly take into account all the contemporary regulations and principles of the world fishery, adopted by the world community and wishing to apply them to the interests of NAFO. It is not easy to propose universal schemes and principles of approaches and decisions for the unconflict provision of sufficient conservation and sustainable fishery measures of each Contracting Party and other interested fishery States and RFMOs such as NEAFC.

There is a temptation and possibility of the direct adoption of the texts of the existent conventions (SEAFO, NEAFC, etc.). This will surely be hampered by NAFO historical traditions and the contradiction of interests of its Contracting Parties.

The aim of our Working Group is a proper consideration of all of these peculiarities breaking the stereotypes, and which is much more difficult, making compromises, which do not always correspond to one's strategic and current interests. This requires certain courage, correctness, tolerance and willingness to make unpopular decisions regarding certain interests and public opinion.

Finally, the Ukrainian delegation wishes all the participants the fruitful and constructive work within the framework of the meeting.

Annex 6. Opening Statement by France (in respect of St. Pierre et Miquelon)

Mr Chairman, distinguished Delegates, Ladies and Gentlemen,

Let us first express our warmly thanks to the Canadian Authorities for their kind invitation in this nice city of Montreal.

This working group exercise about reform offers us the opportunity to initiate, in the specific NAFO context, a process which aims to address the need of a better management of fish stocks and their ecosystems in a sustainable way.

This review process conducted in the aftermath of the last FAO-COFI ministerial meeting and of the ministerial conference held in Saint-John must be considered, in our view, as a way to preserve the leading role of NAFO of the RFMO in general concerning the fisheries management.

In that updating exercise, we are of the opinion, taking into account the specificity of the area we are talking about, to integrate some drafting elements coming from the newly negotiated texts, i.e SEAFO and SIOFA, which, in our view, offer a balanced perspective of the different interests an RFMO has to deal with.

For sure, many issues are to be considered in the draft distributed by the chair. Among these, I just want, at this stage, to put the stress on some particularly important topics, in our view.

Firstly, we do consider that there's a real need to integrate in an amended convention the last developments resulting from various international texts in terms of ecosystem approach. This element could give NAFO a solid basis to address the issue of protection of some restricted areas with fragile ecosystem from all kinds of destructive fishing practice without any discrimination.

The second point relates to the control and enforcement issues. As it was stated in the terms of reference, this issue must remain, as much as possible, in the hands of the STACTIC committee. In that respect, the developments about that issue in the text of the convention must be as brief as possible so that we could integrate some new elements about that issue without new amendments to the convention. This pragmatic approach is a guarantee that NAFO will be able to tackle the control and enforcement such as the IUU fishing problem in an accurate and efficient way in the coming years.

Finally, we want to reiterate our attachment to the objection procedure. Having said that, we are ready to examine possible improvements to make it works in a way that do not undermine the conservation measures decided and so the credibility of the organisation.

In that respect, we are ready to play a constructive role and look forward with optimism for the outcomes of this working group.

**Annex 7. Opening remarks by Denmark in respect of
the Faroe Islands and Greenland (DFG)**

DFG thanked Canada for hosting the meeting and the WG Chair for the preparation of the Working Paper as a basis for discussion. As other Contracting Parties to NAFO who were also Contracting Parties to NEAFC, DFG had been involved with the recent process to modernise the NEAFC Convention and broaden its scope to take account of modern principles of resource management.

DFG also expected this WG meeting to provide an opportunity to examine more closely other aspects of NAFO's work where there was room for improvement and which may also require amendments to the Convention. DFG was not in favour of removing the existing option to object to conservation and management decisions in NAFO. It was, however, obvious that the decision-making process in NAFO was in need of review, given the tendency for objections to be simply repeated from year to year without serious efforts being made to resolve outstanding differences.

DFG supported the wording in the Chair's WP that consensus should be the general rule and aim. When consensus is not possible, however, more thought needs to be given as to how to promote a more active dialogue between Contracting Parties to review decisions to which some Contracting Parties continue to feel obliged to object. DFG had developed some specific ideas on this question which would be shared with other delegations during the meeting (WP 06/10).

Annex 8. Agenda

1. Opening by Chair (Staffan Ekwall, EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Organization of the meeting and review of Terms of Reference*
5. Ocean management issues
6. The Structure of NAFO
7. The decision making process of NAFO
8. Dispute settlement provisions
9. Other matters pertaining to the Convention
10. Report and Recommendations
11. Adjournment

Annex 9. Proposal from Denmark (in respect of the Faroe Islands and Greenland)
(Reform WG WP 06/14)

Preamble 3 & 4

Recognising the economic and social benefits deriving from the sustainable utilisation of fisheries resources in the Northwest Atlantic.

Desiring, through international cooperation and consultation on conservation and management, to ensure the long-term optimum and sustainable utilisation of the fishery resources of the Northwest Atlantic and in so doing, to safeguard the marine ecosystems in which they occur.

Article 2 Objective

The Objective of this Convention is, through international cooperation and consultation on conservation and management, to ensure the long-term optimum and sustainable utilisation of the fishery resources of the Convention Area in order to provide economic and social benefits while safeguarding the marine ecosystems in which the resources occur.

(NEAFC: .. to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits)

**Annex 10. Alternative Proposal regarding objection procedure and
dispute settlement (paper by Canada)**
(Reform WG WP 06/5)

ARTICLE XVII – Implementation and Review of Commission Decisions

1. Each proposal adopted by the Commission shall become a measure binding on all Contracting Parties to enter into force on a date determined by the Commission.
2. A Contracting Party which has voted against a decision may within 30 days of the adoption of the decision by the Commission, seek a review of the decision by a review panel constituted in accordance with the procedures set out in Annex II to this Convention on the grounds that:
 - (a) the proposal is inconsistent with the provisions of this Convention, the Agreement or the 1982 Convention; or
 - (b) the proposal unjustifiably discriminates in form or in fact against the member concerned.
3. Pending the findings and recommendations of the review panel and any action required by the Commission, the Contracting Parties shall apply the decision adopted by the Commission.
4. Where a review panel has provided findings and recommendations on a decision of the Commission, no Contracting Party may in future seek review of the same proposal involving the same Contracting Parties unless, as a preliminary matter, it establishes before a review panel that there has been a material change in circumstance.
5. If the review panel recommends that the decision be modified, amended or revoked, the Commission shall, at its next annual meeting, modify or amend its decision in order to conform with the findings and recommendations of the review panel or it may decide to revoke the decision, provided that, if so requested in writing by a majority of the Contracting Parties, a special meeting of the Commission shall be convened within 60 days of the date of communication of the findings and recommendations of the review panel.

ARTICLE XVIII – Settlement of Disputes

1. Contracting Parties shall cooperate in order to prevent disputes.
2. The provisions relating to the settlement of disputes set out in Part VIII of the 1995 Agreement apply, mutatis mutandis, to any dispute between members of the Commission, whether or not they are also Parties to the 1995 Agreement.
3. A court, tribunal or panel to which any dispute has been submitted under this Article shall apply the relevant provisions of:
 - a) this Convention;
 - b) the 1982 Convention;
 - c) in addition to the above instruments, where the dispute concerns one or more straddling stocks, the 1995 Agreement

as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the said instruments, with a view to ensuring the long-term sustainability of the fishery resources concerned.
4. Provided, however:
 - (1) where a party to a dispute is a State Party to the 1982 Convention, nothing in this Convention shall be argued or construed as preventing it from submitting the dispute to binding procedures pursuant to Part XV of the 1982 Convention against any other State Party to the 1982 Convention; and
 - (2) where a party to a dispute is a State Party to the 1995 Agreement, nothing in this Convention shall be argued or construed as preventing it from submitting the dispute to binding procedures pursuant to Article 30 of the 1995 Agreement as against any other State Party to that Agreement.

**Annex 11. Suggestion for discussion from DFG –
Mandatory Conciliation**
(Reform WG WP 06/10)

- Objective – both the CO objecting and setting unilateral measures, and the majority adopting a decision are obliged to engage in a dialogue and provide comprehensive arguments to support their respective views. The practice today is that the previous year's objection is simply reiterated.
- The organization shall call a meeting of Parties if the objection and unilateral measures have been in place on the same general basis for two years.
- Participation in the meetings is not obligatory (but the assumption is that CPs would participate).
- The meeting will not make decisions (to avoid delegations having inflexible mandates), but can discuss possible solutions.
- Discussions are fully reflected in the report of the meeting, which is distributed in the same way as other NAFO reports (also accessible on the website).
- The meeting can deal with more than one issue of contention.
- The meeting should not be held back to back with the Annual Meeting (in order to allow time for national consultation in relation to any new proposals), but can be organized in relation to other WG meetings to rationalize time and travel costs.
- A new meeting shall be held every year until a solution is reached.
- The meeting process is abandoned if the issue is raised under the Dispute Settlement Mechanism.
- The process can be formalized as a provision in the Convention, but can apply provisionally if there is consensus to do so.

**Annex 12. Proposed Revisions by Canada to
Reform WG WP 06/1, Rev. 1**
(Reform WG WP 06/12, Rev. 1)

Article XVIII – Implementation of Commission Decisions

1. Each proposal adopted by the Commission pursuant to Article VI shall become binding on the Contracting Parties in the following manner:
 - a. the Executive Secretary shall within 5 working days transmit each proposal to all Contracting Parties, specifying the date of transmittal for the purposes of paragraph 2.
 - b. Subject to the provisions of paragraph 2, the proposal shall become binding upon all Contracting Parties 30 days following the date of transmittal pursuant to subparagraph a) unless otherwise specified in the proposal.
2. If any Contracting Party presents to the Executive Secretary an objection to a proposal within 30 days of the date of transmittal specified in the notification of the proposal by the Executive Secretary, the proposal shall not become a binding measure until the expiration of 20 days following the date of transmittal specified in the notification of that objection to the Contracting Parties. There upon any other Contracting Party may similarly object prior to the expiration of an additional 20-day period or within 15 days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that 20-day period, whichever shall be the later. The proposal shall then become a measure binding on all Contracting Parties, except those which have presented objections, at the end of the extended period or periods for objecting. If, however, at the end of such extended period or periods, objections have been presented and maintained by a majority of Contracting Parties, the proposal shall not become a binding measure, unless any or all of the Contracting Parties nevertheless agree as among themselves to be bound by it on an agreed date.
3. Any Contracting Party which has objected to a proposal may at any time withdraw that objection and the proposal immediately shall become a measure binding on such a member, subject to the objection procedure provided for in this Article.
4. Any commission member which has presented an objection to a proposal under paragraph 2 shall at the same time provide an explanation for its reasons for taking this action. This explanation shall specify whether the reasons for taking this action is that the Contracting Party considers that the proposal is inconsistent of the provisions of this Convention, that the Contracting Party cannot practically comply with the proposal, or that the measure unjustifiably discriminates in form or in fact against a Contracting Party. The explanation shall also include a declaration of its intentions following the objection or notice, including a description of the alternative measures it intends to take or has taken for the conservation, management and control of the relevant fishery resources in accordance with the objectives of this Convention.
5. The Executive Secretary shall immediately transmit to each Contracting Party:
 - a) notice of receipt of each objection and withdrawal of objection under paragraphs 2 and 3;
 - b) the date on which any proposal becomes a binding measure under the provisions of paragraph 1;
 - c) the explanation and alternative measures of the objective party under paragraph 4.
6. Subject to Article XVIII, any Contracting Party may request an ad hoc panel established in accordance with Annex I to make recommendations of any interim measures which may be necessary, following the invocation of the procedures pursuant to paragraphs 2 and 4, to ensure that the sustainability of the fishery resources covered by this Convention is not undermined. Subject to paragraph 7, such interim measures shall be binding on all Contracting Parties if all Contracting Parties agree (other than those who have indicated that they are unable to accept the measure, pursuant to sub-paragraphs 2 and 4)."
7. This Article is without prejudice to the right of any other Contracting Party to invoke the dispute settlement procedures set out in Article XVIII in respect of a dispute concerning the interpretation or application of this Convention, including the explanation, declaration and measures referred to in paragraph 4 of Article XVII as well as any actions taken by a Contracting party further to its application of paragraphs 2 and 4.

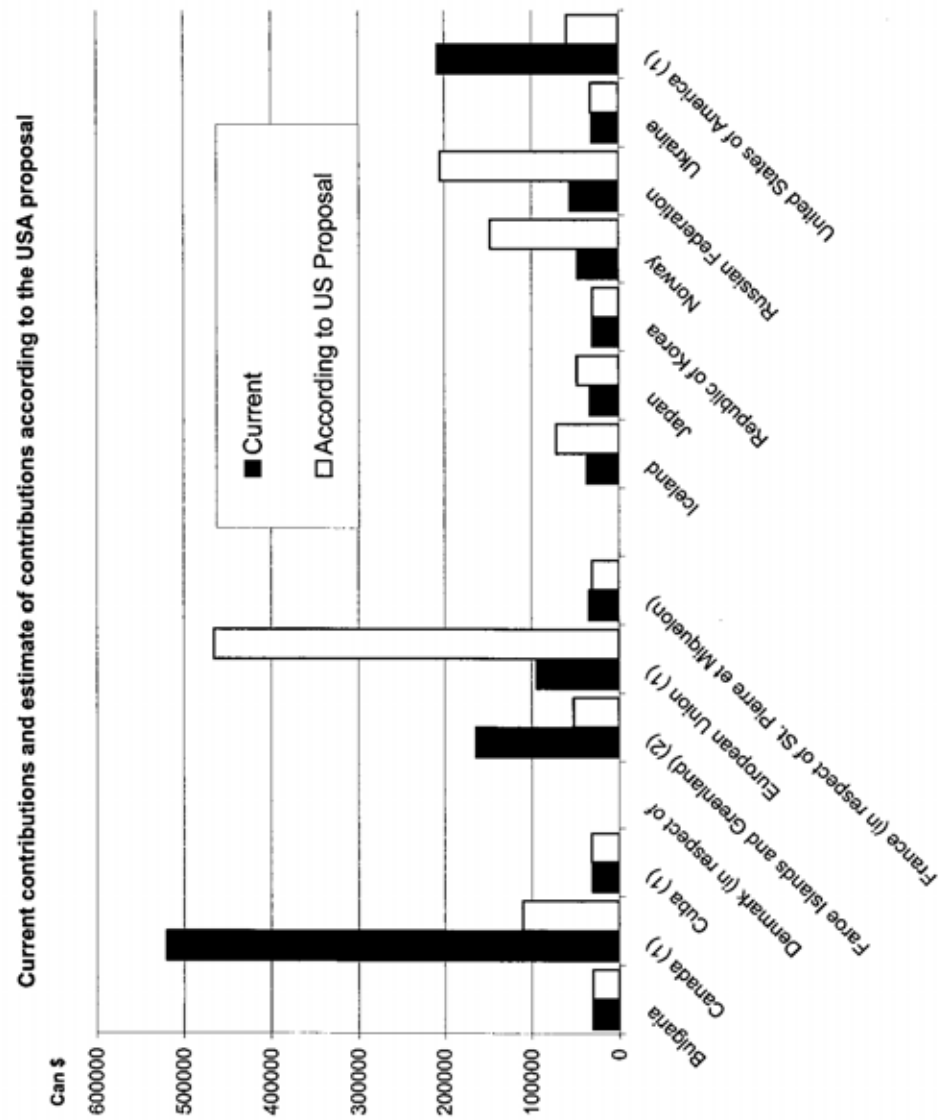
Annex I

Add to the end paragraph 7 – “Where the Panel has been struck under Article XVII (6), the panel shall have 10 working days to make its recommendations on interim measures.”

**Annex 13. Comparison between the current contributions and
estimated contributions according to the USA proposal**

The estimate is based on the assumption that Coastal States do not fish in the NAFO Regulatory Area and that non Coastal States only fish in the NAFO Regulatory Area.

Contracting Parties	Nominal Catches for 2003	Amount billed in 2006	Estimate according to the USA Proposal
Bulgaria	-	30,327	30,327
Canada (1)	488,467	519,831	110,281
Cuba (1)	227	30,485	31,629
Denmark (in respect of Faroe islands and Greenland) (2)	133,199	163,782	52,129
European Union	75,879	94,038	465,474
France (in respect of St. Pierre et Miquelon)	3,652	34,000	30,925
Iceland	7,210	36,399	71,675
Japan	3,091	32,929	48,053
Republic of Korea	-	30,327	30,327
Norway	20,308	47,359	146,788
Russian Federation	30,394	55,796	204,629
Ukraine	387	30,643	32,546
United States of America	177,557	208,260	59,390
Total	940,371	1,314,175	1,314,173



Annex 14. Proposed Changes to Articles XII and XIV (paper by Canada)
(Reform WG WP 06/3)

Article XIII – Contracting Party Duties

In the chapeau, change “Convention” to “Regulatory”.

Keep XIII 1) a) and b)

Then replace c) with: “c) take all necessary measures in order to ensure the effectiveness of the conservation, management and enforcement measures agreed by the Commission and shall enforce such measures irrespective of where violations occur.”

Add XIII (1) e):

“(e) provide information concerning its fishing activities, including catch of target and non-target species, fishing areas, fishing vessels and fishing gear as may be required by the Commission in order to facilitate the compilation of reliable catch and effort statistics and of any vessel register established and maintained by the Commission ”

Change para 2 to read:

“Each Contracting Party shall make available, in the manner and at such intervals as may be agreed by the Commission, but at least bi-annually, a statement of actions taken to make effective the provisions of the Convention and to implement the conservation, management and enforcement measures agreed by the Commission, including the outcome of investigations of violations of such measures and the imposition of adequate sanctions for such violations.”

Delete reference to coastal states reports. The report of coastal state measures is already covered under Article VI (2).

Keep para. 3 but change reference from Convention Area to Regulatory Area.

Para. 4: delete and replace with:

Each Contracting Party shall, to the greatest extent possible, investigate immediately, expeditiously and fully any alleged violation of the conservation, management and enforcement measures agreed by the Commission by its nationals or fishing vessels owned or operated by its nationals, and report promptly to the State alleging the violation and to the Executive Secretary on the progress and outcome of the investigation, in the manner required by the Commission;

Article XIV – Flag State Duties

Para. 1: In the chapeau, remove the words “take such measures as may be necessary to ensure that”. Replace with “Each CP shall ensure that:”

Keep para. 1 a) and b) and add c):

c) transshipment on the high seas by vessels flying its flag is regulated to ensure that the effectiveness of the conservation, management and enforcement measures adopted by the Commission is not undermined.

Keep para. 2

Para. 3: keep a) and b), delete c) and add the following:

- “(d)investigate immediately, expeditiously and fully any alleged violation of the conservation, management and enforcement measures agreed by the Commission by fishing vessels flying its flag and report promptly to the State alleging the violation and to the Executive Secretary on the progress and outcome of the investigation;
- (e) require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation;
- (f) if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay and expeditiously in accordance with its laws and, where appropriate, detain the vessel concerned; and ensure that, where it has been established, in accordance with its laws, that a vessel has been involved in the commission of a serious violation of the conservation, management and enforcement measures agreed by the Commission, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with; and
- (g) impose sanctions in respect of violations that are adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and that deprive offenders of the benefits accruing from their illegal activities;

The specific manner in which the above obligations are to be carried out shall be provided in measures adopted by the Commission.”

Add para. 4: “Each Contracting Party shall, to the greatest extent possible, adopt measures applicable in respect of masters and other officers of fishing vessels that are nationals of that Contracting Party, that allow refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.”

Add para. 5: “Each Contracting Party shall ensure that measures they impose on vessels flying their flag are compatible with the control and enforcement measures adopted by the Commission.”

Annex 15. Proposal by Ukraine
(in relation to the Chair's working paper)
(Reform WG WP 06/7)

Changes to Article VII, paragraph 1

a) ...

b) to compile biostatistics and maintain permanent monitoring for the state of stocks of fishery resources by means of scientific expeditions and scientific observation on board of fishing vessels;

c) to publish and disseminate reports, information and materials pertaining to the fisheries of the Convention Area, including environmental and ecological factors affecting these fisheries;

d) ~~e~~ ...

e) ~~d~~ ...

Annex 16. Revised Chair's Working Paper
(Reform WG WP 06/1, Revision 2)

Explanatory Note

Article I

The definitions are now in alphabetical order. A definition of contracting parties has been introduced and the definition on code of conduct has been deleted since it is not used later on in the text.

In relation to the definition of fishery resources, my understanding is that seals fall outside the proposed definition (since they are neither a fish, molluscs or crustacean) and would therefore not be subject to any potential management measures by NAFO. Seals fall however into the definition of living marine resources, and therefore could be taken into account in the work of NAFO, including scientific.

In relation to sharks, those that are included in Annex 1 to the 1982 Convention would not fall under the direct mandate of NAFO. If that Annex includes all shark species that are relevant for NAFO waters, is another question, but potentially some shark species which are not listed in the said Annex 1 would still be under the mandate of NAFO.

Article II

Given some divergent views on this matter, I've tried to keep the wording relating to management of fishery resources close to the wording of the corresponding Article in the UN Fish stocks Agreement (Article 2). It seems also that recently negotiated Conventions or Agreements, at least those I am aware of, is following this line¹. Very similar wording is also used in the St Johns declaration² which of course is of direct relevance to us since the mandate of the working Group is based on that declaration. One possible exception in this regard are the proposed amendments to the NEAFC Convention which were circulated during the meeting³ but I understand from the Secretary of NEAFC that this amendment has not yet been adopted by NEAFC, and might therefore still be subject to change.

Article III

I've also tried to keep the wording of this Article close to the corresponding Article 5 of the UN fish stocks Agreement (insofar it is relevant for NAFO), and thereby inter alia tried to cater for those who wished to maintain a reference to optimum utilisation. I hope that the preamble read together with Articles 2 and 3 reflects this balance.

¹ Article 2 of the SEAFO convention reads: the objective of this convention is to ensure the long term conservation and sustainable use of the fishery resources in the convention area through the effective implementation of this convention. Article 2 of the South Indian oceans fisheries Agreement (SIOFA) (which will be opened to signature in July 2006 at the premises of FAO) reads: The objectives of this agreement are to ensure the long term conservation and sustainable use of fishery resources in the Area through co-operation among parties, and to promote sustainable development of fisheries in the area, taking into account the needs of developing states... Article II of the IATTC Convention reads: the objective of this Convention is to ensure the long term conservation and sustainable use of the fish stocks covered by this Convention. Article 2 of the WCPFC Convention reads: The objective of this convention is to ensure, through effective management, the long term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the 1982 convention and 1995 agreement.

² See preamble.

³ The proposed amendment to Article 2 of the NEAFC convention reads: The objective of this convention is to ensure the long term conservation and optimum utilisation of the fishery resources in the Convention area, providing sustainable, economic, environmental and social benefits.

The main reason for keeping this article and not moving the content to the functions of the new Commission is that some of the functions of the new Commission are limited to the Regulatory Area. These principles in Article 3 would thus apply in the entire area of application. I also see a benefit in fixing a number of fundamental principles up front in the Convention (in particular for outside readers, since this organisation often is subject to external scrutiny) even if that to a certain extent creates some repetition later on in the text.

Article IV

I've incorporated a paragraph on statistical and scientific sub-areas, which was previously elsewhere in the text. The simplified procedure to amend the related Annex has been placed in the article on amendments.

I've also redone the last paragraph on maritime claims following concerns by Russia. The new wording is inspired by the SEAFO convention.

Article VI

This is the result of the proposal by Norway to merge two previous Articles.

In relation to paragraphs 4 and 5, I've tried to regroup the issues as to whether they deal with management control or administration. I've made a separate paragraph with more scientific functions which will require some co-ordination with the scientific council.

I believe however that some further work will be needed on these paragraphs, in particular to ensure that there is no overlap in the functions of the Commission and the Scientific Council (see article VII.4). You might recall that the initial wording of these paragraphs came from the SEAFO Convention following the suggestion by the EU. In SEAFO however, the scientific committee is a subsidiary body to the Commission which is not the case in NAFO.

Article VII

This is the result of the proposal of Norway to merge all Article of relevance to the Scientific Council into one Article. The substance has however not changed to a great extent compared to the previous version of the working paper.

Articles X-XI

I have at the end of the day maintained a separate Article for the duties of the flag state (which refers to authorisation to fish, monitoring of activities, and follow up to any infringements) inspired by the SEAFO Convention, but eliminated identified areas of repetition between the article on contracting party duties. Even if the purposes of Article 10.3 and 11.4 may at first hand seem very similar, the scope of Article 10.3 is broader in the sense that it is not limited to the activities of vessels flying its flag but also creates an obligation to keep an eye on its nationals more in general.

Article XII

I have maintained a separate article on port states duties because of the very nature of these duties, which per definition creates duties outside the Convention area. Port state duties has for the very same reason been kept in a separate section in the Conservation and enforcement measures.

These provisions have also been made more general to allow for evolution within this field, for example port closures.

Article XIV

The main structure of this article remains more or less the same as in the previous version since parties needed more time to consider this matter.

Article XIX

There are three new provisions in this article, of which two already existed elsewhere in the text. Since there is a fast track procedure to change one of the annexes, I thought that such a procedure could apply also to other annexes.

**Convention on
Cooperation in the Northwest
Atlantic Fisheries**

The CONTRACTING PARTIES,

NOTING that the coastal States of the Northwest Atlantic have established areas of national jurisdiction in accordance with the United Nations Convention on the Law of the Sea of 20 December 1982, and general principles of international law within which they exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing living marine resources;

RECOGNISING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982; the 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, 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993, taking into account the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organisation of the United Nations in October 1995 and relevant Action Plans adopted by the Food and Agriculture Organization of the United Nations;

RECOGNISING the economic and social benefits deriving from the sustainable use of fishery resources;

DESIRING to promote the long term conservation and sustainable use of the fishery resources of the Northwest Atlantic area, and accordingly to encourage international cooperation and consultation with respect to these resources;

CONSCIOUS of the need to safeguard the marine environment of the Northwest Atlantic area, to preserve its biodiversity and to minimise the risk of long term or irreversible effects of fishing operations in that area;

COMMITTED to responsible fisheries as well as to combat Illegal, Unreported and Unregulated (IUU) fishing activities;

HAVE AGREED as follows:

Article I – Definitions

1. For the purpose of this Convention, the following definitions apply:
 - (a) “1982 Convention” means the United Nations Convention on the law of the Sea of 10 December 1982;
 - (b) “1995 Agreement” means the 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, 1995;
 - (c) “Coastal State” means a Contracting Party exercising fisheries jurisdiction in waters forming part of the Convention Area;
 - (d) “Contracting Party” means any State or regional economic integration organisation which has consented to be bound by this Convention, and for which the convention is in force;
 - (e) “Convention Area”, means the Area to which this Convention applies, as prescribed in Article IV;
 - (f) “Fishery resources” means all resources of fish, molluscs and crustaceans within the Convention Area excluding:
 - (i) sedentary species subject to the exclusive sovereign rights of Coastal States pursuant to Article 77 of the 1982 Convention; and

- (ii) in so far as they are managed by other international Conventions or Agreements, anadromous, catadromous stocks as well as highly migratory species listed in Annex I of the 1982 Convention;
- (g) "Fishing activities" means fishing, fish processing operations, the transshipment of fish or fish products, and any other activity in preparation for or related to fishing;
- (h) "Fishing vessel" means any vessel which is or has been engaged in fishing activities, including fish processing vessels and vessels engaged in transshipment or any other activity in preparation for or related to fishing, including experimental or exploratory fishing;
- (i) "Flag State" means, unless otherwise indicated:
 - (i) a state whose vessels are entitled to fly its flag; or
 - (ii) a regional economic integration organisation in which vessels are entitled to fly the flag of a member State of that regional economic integration organisation;
- (j) "Living marine resources" means all living components of the marine ecosystems;
- (k) "Marine biological diversity" means the variability among marine living organisms and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (l) "Nationals" mean both natural and legal persons;
- (m) "Port state" means any Contracting Party receiving fishing vessels in their ports including offshore terminals and other installations for landing, transshipping, refuelling or re-supplying;
- (n) "Regional economic integration organisation" means a regional economic integration organisation to which its member States have transferred competence over matters covered by this Convention, including the authority to make decisions binding on its member States in respect of those matters;
- (o) "Regulatory Area" means the part of the Convention Area which lies beyond the areas in which Coastal States exercise fisheries jurisdiction;

Article II - Objectives

The objectives of this Convention are to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and to safeguard the marine ecosystems in which these resources occur.

Article III – Basic Principles

In giving effect to the objectives of this Convention in particular the following principles shall apply:

- (a) measures shall ensure the long-term sustainability of fisheries resources and promote the objective of their optimum utilisation;
- (b) measures shall be based on the best scientific advice available and be designed to maintain fishery resources at levels capable of producing maximum sustainable yield, and to rebuild depleted fishery resources to the said levels;
- (c) measures shall be based on the precautionary approach;
- (d) measures shall take due account of the impact of fishing activities on other species and marine ecosystems and in doing so, measures shall be adopted to address the need to minimize harmful impact living marine resources and marine ecosystems;
- (e) measures shall take due account of the need to conserve marine biological diversity;
- (f) measures shall be taken 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 the fishery resources;

- (g) measures shall be taken to ensure that complete and accurate data concerning the fishing activities within the area of application is collected and shared in a timely manner among the Contracting Parties to this Convention.
- (h) measures shall be taken to ensure effective compliance with management measures and that sanctions for any infringements are adequate in severity; and
- (g) measures shall take due account of the need to minimise pollution and waste originating from fishing vessels as well as minimise discards, catch by lost or abandoned gear, catch of species not subject to a directed fishery and impacts on associated or dependent species, in particular endangered species.

Article IV – Area of application and maritime claims

1. This Convention applies to the waters of the Northwest Atlantic Ocean north of 35°00' north latitude and west of a line extending due north from 35°00' north latitude and 42°00' west longitude to 59°00' north latitude, thence due west to 44°00' west longitude, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' north latitude.
2. The Convention Area shall be divided into scientific and statistical subareas, divisions and subdivisions, the boundaries of which shall be those defined in Annex I to this Convention. This Annex forms an integral part of this Convention.
3. Nothing in this Convention shall constitute recognition of the claims or positions of any Contracting Party concerning the legal status and extent of waters and zones claimed by any such Contracting Party.

Article V – the Organisation

1. Contracting Parties agree to establish, maintain and strengthen the Northwest Atlantic Fisheries Organisation, herein "NAFO" which shall carry out the functions set forth in this Convention in order to achieve the objectives of this Convention.
2. NAFO shall consist of:
 - a) a Commission and any subsidiary bodies and sub-committees that the Commission establishes to assist it in its work;
 - b) a Scientific Council and any subsidiary bodies and sub-committees that the Scientific Council establishes to assist it in its work; and
 - c) a Secretariat.
3. NAFO shall have legal personality and shall enjoy in its relations with other international organisations and in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which NAFO and its officers shall enjoy in the territory of a Contracting Party shall be subject to agreement between NAFO and the Contracting Party where the Headquarters is established, including, in particular, a Headquarters agreement between NAFO and the host Contracting Party.
4. The Chairperson of the Commission shall be the President of NAFO and shall be its principal representative.
5. The headquarters of NAFO shall be at the regional municipality of Halifax, Nova Scotia, Canada, or at such other place as may be decided by the Commission.

Article VI – The Commission

1. Each Contracting Party shall be a member of the Commission and shall appoint one representative to the Commission who may be accompanied by alternative representatives, experts and advisers.
2. The Commission shall elect a Chairperson and a Vice-Chairperson, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairperson and Vice-Chairperson shall be representatives of different Contracting Parties.
3. The Chairperson of the Commission shall convene a regular annual meeting of NAFO at a place decided upon by the Commission. Any meeting of the Commission, other than the annual meeting, may be called by the Chairperson at such time and place as the Chairperson may determine, upon the request of a Contracting Party.
4. The Commission shall in accordance with the principles set out in Article III exercise the following functions:
 - a) formulate and adopt proposals for conservation and management measures to achieve the objectives of this Convention within the Regulatory Area;
 - b) establish total allowable catches and/or levels of fishing effort and determine the nature and extent of participation in fishing;
 - c) adopt, where necessary, proposals for conservation and management measures to minimise the impact of fishing activities on marine living resources belonging to the same ecosystem or associated with or dependent upon the fishery resources subject to a directed fishery;
 - d) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement of the conservation and management measures adopted by the Commission. Those mechanisms shall include:
 - (i) provision for reciprocal rights of boarding and inspection by the Contracting Parties within the Regulatory Area and for flag State prosecution and sanctions on the basis of evidence resulting from such boardings and inspections,
 - (ii) controls in ports where fishery resources originating from the Convention Area are being landed;
 - e) adopt proposals for measures to promote compliance by vessels flying the flag of non-Contracting Parties to this Convention with the measures agreed by the Commission;
 - f) supervise the organisational, administrative, financial and other internal affairs of NAFO, including the relations among its constituent bodies;
 - g) direct the external relations of NAFO;
 - h) approve the budget of NAFO pursuant to Article IX; and
 - i) exercise any other authority or function as is conferred upon it by this Convention.
5. The Commission shall exercise the following functions in collaboration with the Scientific Council:
 - a) identify conservation and management needs;
 - b) keep under review the status of stocks and gather, analyse and disseminate relevant information on stocks;
 - c) assess the impact of fishing, other human activities and environmental factors on stocks subject to a directed fishery and species belonging to the same ecosystem or associated with a dependent upon the stocks subject to a directed fishery;
 - d) develop measures for the conduct of fishing for scientific purposes;

- e) develop rules for the collection, submission, verification of, access to and use of data;
- 6. In the exercise of its functions under paragraphs 4 and 5, the Commission shall seek to ensure consistency between:
 - a) any proposal that applies to a stock or group of stocks occurring both within the Regulatory Area and within an area under the fisheries jurisdiction of a Coastal State, or any proposal that would have an effect through species interrelationships on a stock or group of stocks occurring in whole or in part within an area under the fisheries jurisdiction of a Coastal State; and
 - b) any measures or decisions taken by the coastal State for the management and conservation of that stock or group of stocks with respect to fishing activities conducted within the area under its fisheries jurisdiction.

The appropriate Coastal State and the Commission shall accordingly promote the coordination of such proposals, measures and decisions. Each Coastal State shall keep the Commission informed of its measures and decisions for the purpose of this Article.

- 7. Proposals adopted by the Commission for the allocation of fishing opportunities in the Regulatory Area shall take into account the interests of Contracting Parties whose vessels have traditionally fished within that Area, and, in the allocation of fishing opportunities from the Grand Bank and Flemish Cap, the Commission shall give special consideration to the Contracting Party whose coastal communities are primarily dependent on fishing for stocks related to these fishing banks and which has undertaken extensive efforts to ensure the conservation of such stocks through international action, in particular, by providing surveillance and inspection of international fisheries on these banks under an international scheme of joint enforcement.
- 8. The Commission may refer to the Scientific Council any question pertaining to the scientific basis for the decisions it may need to take concerning fishery resources, the impact of fishing on living marine resources, and the conservation of the ecosystem in which they occur.
- 9. The Commission shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its functions as well as financial regulations.
- 10. The Commission may establish such Committees and subcommittees as it considers desirable for the exercise of its duties and functions.
- 11. The Commission shall adopt rules to provide for the participation as observers of representatives from inter-governmental organisations and non-governmental organisations to the meetings of the Organizations. The Commission shall also adopt rules to provide for the participation of representatives of non-contracting Parties as observers or in any other status as it may decide to meetings of NAFO. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of NAFO, subject to the procedural rules that the Commission may adopt.

Article VII – the Scientific Council

- 1. Each Contracting Party shall be a member of the Scientific Council and shall appoint to the Council its own representatives who may be accompanied at any of its meetings by alternates, experts and advisers.
- 2. The Scientific Council shall elect a Chairperson and a Vice-Chairperson, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairperson and Vice-Chairperson shall be representatives of different Contracting Parties.
- 3. Any meeting of the Scientific Council, other than the annual meeting convened pursuant to Article VI paragraph 3, may be called by the Chairperson at such time and place as the Chairperson may determine,

upon the request of a Coastal State or upon the request of a Contracting Party with the concurrence of another Contracting Party.

4. The functions of the Scientific Council shall be:
 - a) to provide a forum for consultation and cooperation among the Contracting Parties with respect to the study, appraisal and exchange of scientific information and views relating to the fisheries of the Convention Area and their ecosystem, fishery resources status and their forecast including environmental and ecological factors affecting these fisheries, and to encourage and promote cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to these matters;
 - b) to compile and maintain statistics and records and to publish or disseminate reports, information and materials pertaining to the fisheries of the Convention Area, including environmental and ecological factors affecting these fisheries;
 - c) to provide scientific advice to coastal States, where requested to do so pursuant to paragraph 8; and
 - d) to provide scientific advice to the Commission, pursuant to paragraph 7 or on its own initiative as required for the purposes of the Commission.
5. The functions of the Scientific Council may, where appropriate, be carried out in cooperation with other public or private organisations having related objectives.
6. The Contracting Parties shall furnish to the Scientific Council any available statistical and scientific information requested by the Council for the purpose of this Article.
7. The Scientific Council shall consider and report on any question referred to it by the Commission pertaining to the scientific basis for the management and conservation of fishery resources and the ecosystems in which they occur within the Regulatory Area, and shall take into account the terms of reference specified by the Commission in respect of that question.
8. The Scientific Council shall, at the request of a Coastal State, consider and report on any question pertaining to the scientific basis for the management and conservation of fishery resources and the conservation of the ecosystem in which they occur in waters under the fisheries jurisdiction of that Coastal State.
9. The Coastal State shall, in consultation with the Scientific Council, specify terms of reference for the consideration of any question referred to the Council pursuant to paragraph 8. These terms of reference shall include, along with any other matters deemed appropriate, such of the following as are applicable:
 - a) a statement of the question referred, including a description of the fisheries and area to be considered;
 - b) where scientific estimates or predictions are sought, a description of any relevant factors or assumptions to be taken into account; and
 - c) where applicable, a description of any objectives the Coastal State is seeking to attain and an indication of whether specific advice or a range of options should be provided.
10. Scientific advice to be provided by the Scientific Council pursuant to this Convention shall be determined by consensus. Where consensus cannot be achieved, the Council shall set out in its report all views advanced on the matter under consideration.
11. Decisions of the Scientific Council with respect to the election of officers, the adoption and the amendment of rules and other matters pertaining to the organisation of its work shall be taken by a majority of the votes of all Contracting Parties present and casting affirmative or negative votes, and for these purposes each Contracting Party shall have one vote. No vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties.

12. The Scientific Council shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its duties and functions.
13. The Commission may establish such Committees and subcommittees as it considers desirable for the exercise of its duties and functions.

Article VIII - the Secretariat

1. The Secretariat shall provide services to NAFO in the exercise of its duties and functions.
2. The chief administrative officer of the Secretariat shall be the Executive Secretary, who shall be appointed by the Commission according to such procedures and on such terms as it may determine.
3. The employees of the Secretariat shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined by the Commission.
4. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over employees and employee-related issues of the Secretariat and shall perform such other functions as the Commission shall prescribe.

Article IX -Budget

1. Each Contracting Party shall pay the expenses of its own delegation to all meetings held pursuant to this Convention.
2. The Commission shall establish the contributions due from each Contracting Party under the annual budget on the following basis:
 - a) 10% of the budget shall be divided among the Coastal States in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year;
 - b) 30% of the budget shall be divided equally among all the Contracting Parties; and
 - c) 60% of the budget shall be divided among all Contracting Parties in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year.

The nominal catches referred to above shall be the reported catches of the fishery resources specified in the financial regulations adopted by the Commission pursuant to Article VI.

3. The Executive Secretary shall notify each Contracting Party of the contribution due from that Party as calculated under paragraph 2, and as soon as possible thereafter each Contracting Party shall pay to NAFO its contribution.
4. Contributions shall be payable in the currency of the country in which the headquarters of NAFO is located, except if otherwise authorized by the Commission.
5. The Executive Secretary shall for each financial year submit drafts of the annual budget to each Contracting Party together with a schedule of contributions, not less than sixty days before the annual meeting of NAFO at which the budgets are to be considered.
6. A Contracting Party acceding to this Convention during the course of a financial year shall contribute in respect of that year a part of the contribution calculated in accordance with the provisions of this Article that is proportional to the number of complete months remaining in the year.

7. A Contracting Party which has not paid its contributions in full for two consecutive years shall not enjoy any right of casting votes and presenting objections under this Convention until it has fulfilled its obligations, unless the Commission decides otherwise.
8. The financial affairs of NAFO shall be audited annually by external auditors to be selected by the Commission.

Article X – Contracting Party Duties

1. Each Contracting Party shall:
 - (a) promptly implement this Convention and any conservation, management and enforcement measures or matters which may be adopted by the Commission and by which they are bound;
 - (b) co-operate in furthering the objective of this convention;
 - (c) take appropriate measures, in accordance with the measures adopted by the Commission, in order to ensure the effectiveness of the measures adopted by the Commission;
 - (d) collect and exchange scientific, technical and statistical data pertaining to the Convention Area with respect to the fishery resources in accordance with Annex 1 of the 1995 Agreement and ensure that:
 - (i) complete and detailed information on commercial catches and fishing effort is collected
 - (ii) appropriate measures are taken to verify the accuracy of such data;
 - (iii) biological sampling on the commercial catches is performed;
 - (iv) they contribute to the scientific knowledge of the living resources and their ecosystem;
 - (v) information is made available in a timely manner to fulfil the requirements of the Scientific Council;
 - (e) ensure that information on steps taken to implement the conservation, management and enforcement measures adopted by the Commission is provided in a timely manner.
2. Each Contracting Party shall make available to the Commission a statement of implementing and compliance measures, including the outcome of the proceedings referred to in Article XI paragraph 4, it has taken in accordance with this article and, in the case of coastal States that are Contracting Parties to this Convention, as regards the conservation, management and enforcement measures they have taken for straddling stocks occurring in waters under their jurisdiction in the Convention Area.
3. Without prejudice to the primacy of the responsibility of the flag State, each Contracting Party shall, to the greatest extent possible, take measures, or cooperate, to ensure that its nationals and fishing vessels owned or operated by its nationals fishing in the Convention Area comply with the provisions of this Convention and with the conservation, management and enforcement measures adopted by the Commission.
4. Each Contracting Party shall, to the greatest extent possible, and when provided with the relevant information, immediately investigate and fully report on actions taken in response to any alleged serious infringement by its nationals, or fishing vessels owned or operated by its nationals, of the provisions of this Convention or any conservation, management and enforcement measure adopted by the Commission.

Article XI – Flag State Duties

1. Each Contracting Party shall ensure that:
 - (a) fishing vessels flying its flag operating in the Convention Area comply with the provisions of this Convention and the conservation, management and enforcement measures adopted by the Commission

and that such vessels do not engage in any activity which undermines the effectiveness of such measures;

- (b) fishing vessels flying its flag do not conduct unauthorized fishing within waters under national jurisdiction of a coastal State within the Convention Area.
- 2. No Contracting Party shall allow any fishing vessel entitled to fly its flag to be used for fishing in the Regulatory Area unless it has been authorised to do so by the appropriate authorities of that Contracting Party.
- 3. Each Contracting Party shall:
 - (a) authorize the use of vessels flying its flag for fishing in the Regulatory Area only where it is able to exercise effectively its responsibilities in respect of such vessels under this Convention and in accordance with international law;
 - (b) maintain a record of fishing vessels entitled to fly its flag and authorized to fish for the fishery resources, and ensure that, for all such vessels, such information as may be specified by the Commission is entered in that record. Contracting Parties shall exchange this information in accordance with such procedures as may be adopted by the Commission;
- 4. Each Contracting Party shall, in accordance with measures adopted by the Commission, investigate immediately and report fully on actions taken in response to an alleged violation by a vessel flying the flag of measures adopted by the Commission.
- 5. Each Contracting Party shall ensure that appropriate measures are taken, including administrative action or criminal proceeding in conformity with their national legislation against the nationals responsible for the vessel flying its flag where the measures adopted by the Commission have not been respected.
- 6. The proceeding initiated pursuant to paragraph 5 shall be capable, in accordance with the relevant provisions of national law, of effectively depriving those responsible of the economic benefit of the infringements and of producing results proportionate to the seriousness of such infringements, effectively discouraging further offence of the same kind.

Article XII – Port State Duties

- 1. Measures taken by a port State Contracting Party in accordance with this Convention shall take full account of the right and the duty of a port State to take measures, in accordance with international law, to promote the effectiveness of conservation, management and enforcement measures. When taking such measures, a port State Contracting Party shall not discriminate in form or in fact against the fishing vessels of any State.
- 2. Each port State Contracting Party shall in accordance with the conservation, management and enforcement measures adopted by the Commission:
 - (a) inspect fishing vessels, if such vessels enters in its ports or at its offshore terminals;
 - (b) adopt regulations empowering the relevant national authorities to take dissuasive measures where it has been established that the catch of fishery resources covered by this Convention has been taken in a manner which undermines the effectiveness of the conservation, management and enforcement measures adopted by the Commission; and
 - (c) provide assistance to flag State Contracting Parties, as reasonably practical and in accordance with its national law and international law, if a fishing vessel enters in its ports or at its offshore terminals and the flag State of the vessel requests it to provide assistance in ensuring compliance with the provisions of this Convention and with the conservation, management and enforcement measures adopted by the Commission.

3. In the event that a port State Contracting Party determines that a vessel of another Contracting Party making use of its ports or offshore terminals has violated a provision of this Convention or a conservation, management and enforcement measure adopted by the Commission, it shall draw this to the attention of the flag State concerned and of the Commission. The port State Contracting Party shall provide the flag State and the Commission with full documentation of the matter, including any record of inspection.
4. Nothing in this Article affects the exercise by Contracting Parties of their sovereignty over ports in their territory in accordance with international law.

Article XIII – Decision making of the Commission

1. As a general rule, decision-making in the Commission shall be by consensus. For the purposes of this Article, “consensus” means the absence of any formal objection made at the time the decision was taken.
2. If the Chairperson considers that all efforts to reach a decision by consensus have been exhausted, decisions of the Commission shall, except where otherwise provided, be taken by a majority of the votes of all Contracting Parties present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties. Each Contracting Party shall have one vote in the voting proceedings of the Commission.

Article XIV - Implementation of Commission Decisions

1. Each proposal adopted by the Commission pursuant to Article VI shall become binding on the Contracting Parties in the following manner:
 - a) the Executive Secretary shall within five working days transmit each proposal to all Contracting Parties, specifying the date of transmittal for the purposes of paragraph 2.
 - b) Subject to the provisions of paragraph 2, the proposal shall become binding upon all Contracting Parties sixty days following the date of transmittal pursuant to subparagraph a) unless otherwise specified in the proposal.
2. If any Contracting Party presents to the Executive Secretary an objection to a proposal within sixty days of the date of transmittal specified in the notification of the measure by the Executive Secretary, the proposal shall not become a binding measure until the expiration of forty days following the date of transmittal specified in the notification of that objection to the Contracting Parties. There upon any other Contracting Party may similarly object prior to the expiration of the additional forty day period, or within thirty days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional forty-day period, whichever shall be the later. The proposal shall then become a binding measure on all Contracting Parties, except those which have presented objections, at the end of the extended period or periods for objecting. If, however, at the end of such extended period or periods, objections have been presented and maintained by a majority of Contracting Parties, the proposal shall not become a binding measure, unless any or all of the Contracting Parties nevertheless agree as among themselves to be bound by it on an agreed date.
3. Any Contracting Party which has objected to a proposal may at any time withdraw that objection and the proposal immediately shall become a binding measure on such a Contracting Party, subject to the objection procedure provided for in this Article.
4. At any time after the expiration of one year from the date on which a measure enters into force, any Contracting Party may give to the Executive Secretary notice of its intention not to be bound by the measure, and, if that notice is not withdrawn, the measure shall cease to be binding on that Contracting Party at the end of one year from the date of receipt of the notice by the Executive Secretary. At any time after a measure has ceased to be binding on a Contracting Party under this paragraph, the measure shall cease to be binding on any other Contracting Party upon the date a notice of its intention not to be bound is received by the Executive Secretary.

5. Any Contracting Party which has presented an objection to a proposal under paragraph 2 or given notice of its intention not to be bound by a measure under paragraph 4 shall at the same time provide an explanation for its reasons for taking this action. This explanation shall specify whether the reasons for taking this action is that the Contracting Party considers that the proposal or measure is inconsistent of the provisions of this Convention, that the Contracting Party can not practically comply with the proposal or measure, that the measures unjustifiably discriminates in form or in fact against a Contracting party or whether other circumstances apply. The explanation shall also include a declaration of its intentions following the objection or notice, including a description of the alternative measures it intends to take or has taken for the conservation, management and control of the relevant fishery resources in accordance with the objectives of this Convention.
6. The Executive Secretary shall immediately notify each Contracting Party of:
 - a) the receipt of each objection and withdrawal of objection under paragraphs 1 and 2;
 - b) the date on which any proposal becomes a binding measure under the provisions of paragraph 1;
 - c) the receipt of each notice under paragraph 3 and 4; and
 - d) each explanation received under paragraph 5.
7. In the event that any Contracting Party invokes the procedure set out in paragraphs 2, 4 and 5, the Commission shall meet at the request of any other Contracting Party to review the measure. At the time of such a meeting and within 30 days following the meeting, any Contracting Party shall have the right to notify the Commission that it is no longer able to accept the measure, in which case that Contracting Party shall no longer be bound by the measure.
8. Pending the conclusions of a review meeting called in accordance with paragraph 7, any Contracting Party may request an ad-hoc expert panel established in accordance with Article XV to make recommendations on any interim measures following the invocation of the procedures pursuant to paragraphs 2, 4 and 5 which may be necessary in respect of the measure to be reviewed. Subject to paragraph 9, such interim measures shall be binding on all Contracting Parties if all Contracting Parties (other than those who have indicated that they are unable to accept the measure, pursuant to paragraphs 2 and 5) agree that the long-term sustainability of the stocks of the fishery resources covered by this Convention will be undermined in the absence of such measures.
9. This Article is without prejudice to the right of any other Contracting Party to invoke the dispute settlement procedures set out in Article XV in respect of a dispute concerning the interpretation or application of this Convention, in the event that all other methods to settle the dispute, including the procedures set out in this Article, have been exhausted.

Article XV – Settlement of Disputes

1. Contracting Parties shall co-operate in order to prevent disputes.
2. If any dispute arises between two or more Contracting Parties concerning the interpretation or application of this Convention, including the statement, declaration and measures referred to in paragraph 5 of Article XIV as well as any actions taken by a Contracting Party further to its application of Article XIV (2) or (4), those Contracting Parties shall seek to resolve their dispute by negotiation, inquiry, mediation, conciliation, ad hoc panel procedures, arbitration, judicial settlement or other peaceful means of their own choice.
3. Where a dispute concerns the interpretation or application of a proposal adopted by the Commission pursuant to Article VI or matters related thereto, including the statement, declaration and measures referred to in paragraph 5 of Article XIV as well as any actions taken by a Contracting Party further to its application of Article XIV (2) or (4), the parties to the dispute may submit the dispute to a non binding ad hoc panel constituted in accordance with the procedures laid down in Annex II of this Convention.

Where a dispute has been submitted to *ad hoc* panel procedures, the panel shall at the earliest possible opportunity confer with the Contracting Parties concerned and shall endeavour to resolve the dispute expeditiously. The panel shall present a report to the Contracting Parties concerned and through the Executive Secretary to the other Contracting Parties. The report shall as far as possible include any recommendations which the panel considers appropriate to resolve the dispute.

If the Contracting Parties concerned accept the recommendations of the *ad hoc* panel, they shall within 14 days of receipt of the panel's recommendations, notify, through the Executive Secretary, all other Contracting Parties of the actions they intend to take with a view to implementing the recommendations. Consideration of the recommendations of the *ad hoc* panel may be referred to the Commission, in accordance with the appropriate NAFO procedures.

Where a dispute has not been resolved through agreement between the Contracting Parties following the recommendations of the *ad hoc* panel it may be referred, on request of one of the Contracting Parties, to a binding dispute settlement procedure as provided in paragraph 5.

4. Where the parties to a dispute have agreed to submit the dispute to *ad hoc* panel procedures, they may agree at the same time to apply provisionally the relevant proposal adopted by the Commission until the recommendations of the panel are presented, unless the parties have settled the dispute beforehand by other means.
5. If the Contracting Parties do not agree to any other peaceful means to resolve a dispute, or no settlement has been reached by recourse to these means, the dispute shall be referred, if one of the Contracting Parties concerned so requests, to binding dispute settlement procedures set out in Part XV of the 1982 Convention or, where the dispute concerns one or more straddling stocks, the 1995 Agreement.

If binding dispute settlement procedures are invoked in accordance with this paragraph, the parties to the dispute, unless they agree otherwise, shall apply provisionally any recommendation made by the *ad hoc* panel pursuant to paragraph 3. Such provisional application of the panel's recommendation shall cease when the Contracting Parties agree on arrangements of equivalent effect, when a court or tribunal to which the dispute has been referred has prescribed provisional measures or made a final determination or, in any case, at the date of expiration, if applicable, of the proposal of the Commission.

Subparagraph 3.3 shall apply *mutatis mutandis* to the provisional application of the *ad hoc* panel and to any final determination made by a court or tribunal to which the dispute was referred.

6. A court, tribunal or panel to which any dispute had been submitted under this Article shall apply the relevant provisions of:
 - a) this Convention;
 - b) the 1982 Convention;
 - c) in addition to the above instruments, where the dispute concerns one or more straddling stocks, the 1995 Agreement,

as well as generally accepted standards for the conservation, management and enforcement as regards living marine resources and other rules of international law not incompatible with the said instruments, with a view to meet the objectives of the Convention as set out in Article II.

7. Provided, however:
 - (1) where a party to a dispute is a State Party to the 1982 Convention, nothing in this Convention shall be argued or construed as preventing it from submitting the dispute to binding procedures pursuant to Part XV of the 1982 Convention as against any other State Party to that Convention; and

- (2) where a party to a dispute is a State Party to the 1995 Agreement, nothing in this Convention shall be argued or construed as preventing it from submitting the dispute to binding procedures pursuant to Article 30 of the 1995 Agreement as against any other State Party to that Agreement.

Article XVI - Co-operation with non-Contracting Parties

1. The Commission shall request non-*Contracting* Parties to this Convention whose vessels fish in the Regulatory Area to cooperate fully with NAFO either by becoming a Party to the Convention or by agreeing to apply the conservation, management and enforcement measures adopted by the Commission with a view to ensuring that such measures are applied to all NAFO regulated activities in the Regulatory Area.
2. Contracting Parties shall exchange information on the fishing activities of fishing vessels flying the flags of non-*Contracting* Parties to this Convention which are engaged in fishing activities in the Regulatory Area and of any action taken in response to fishing activities by non-parties to this Convention.
3. Contracting Parties shall take measures consistent with this Convention, the 1982 Convention, the 1995 Agreement and other relevant international law to deter the activities of vessels flying the flags of non-*Contracting* Parties to this Convention which undermine the effectiveness of conservation, management and enforcement measures adopted by the Commission.
4. Contracting Parties shall draw the attention of any non-*Contracting* Party to this Convention to any activity undertaken by its nationals or vessels flying its flag which, in the opinion of the Contracting Party, undermines the effectiveness of conservation, management and enforcement measures adopted by the Commission.
5. Contracting Parties shall when needed seek co-operation with any non-*Contracting* Party to this Convention which has been identified as importing, exporting or re-exporting fishery products deriving from fishing activities in the Convention Area.

Article XVII - Co-operation with other organisations

1. NAFO shall cooperate, as appropriate, with the Food and Agriculture Organisation of the United Nations and with other specialised agencies and organisations on matters of mutual interests.
2. NAFO shall seek to develop cooperative working relationships with other intergovernmental organisations which can contribute to their work and which have an interest in ensuring the long-term conservation and sustainable use of living marine resources in the Convention area or have competence regarding the ecosystems where they occur.
3. The Commission may enter into agreements with the organisations referred to in this article and with other organisations as may be appropriate. The Commission may invite such organisations to send observers to its meetings, or to the meetings of any subsidiary bodies of the Organisation. The Commission may also seek participation in meetings of such organisations as appropriate.
4. In the application of Articles 2 and 3 of this Convention to fishery resources, NAFO shall cooperate with other relevant fisheries management organisations and take account of their of their conservation and management measures applicable in the region.

Article XVIII –Review

The Commission shall, at appropriate intervals, initiate reviews and assessments of the adequacy of provisions of this Convention and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order to better address any continuing problems in meeting the objectives of this Convention as set out in Article II.

Article XIX – Amendments to the Convention

1. Any Contracting Party may propose amendments to this Convention to be considered and acted upon by the Commission at an annual or a special meeting. Any such proposals shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and the Executive Secretary shall immediately transmit the proposal to all Contracting Parties.
2. The adoption of a proposed amendment to the Convention by the Commission shall require a three-fourth majority of the votes of all Contracting Parties. The text of any amendments so adopted shall be transmitted by the Depositary to all Contracting Parties.
3. An amendment shall take effect for all Contracting Parties one hundred and twenty days following the date of transmittal specified in the notification by the Depositary of receipt of written notification of approval by three-fourths of all Contracting Parties unless any other Contracting Party notifies the Depositary that it objects to the amendment within ninety days of the date of transmittal specified in the notification by the Depositary of such receipt, in which case the amendment shall not take effect for any Contracting Party. Any Contracting Party which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Parties one hundred and twenty days following the date of transmittal specified in the notification by the Depositary of receipt of the last withdrawal.
4. Any Party which becomes a Contracting Party to the Convention after an amendment has been adopted in accordance with paragraph 2 shall be deemed to have approved the said amendment.
5. The Depositary shall promptly notify all Contracting Parties of the receipt of notifications of approval of amendments, the receipt of notifications of objection or withdrawal of objections, and the entry into force of amendments.
6. Notwithstanding the provisions of paragraph 1-5, the Commission may, on the request of the Scientific Council, by a two-thirds majority vote of all Contracting Parties, if deemed necessary for scientific or statistical purposes, modify the boundaries of the scientific and statistical subareas, divisions and subdivisions set out in Annex I, provided that each coastal State exercising fisheries jurisdiction in any part of the area affected concurs in such action.
7. Notwithstanding the provisions of paragraph 1-5, the Commission may, after having consulted the Scientific Council, by a two-thirds majority vote of all Contracting Parties, if deemed necessary for management purposes, divide the Regulatory Area into appropriate regulatory divisions and subdivisions. These may subsequently be modified in accordance with the same procedure. The boundaries of any such divisions and subdivisions shall be defined in Annex I.
8. Notwithstanding the provisions of paragraphs 1-5, the Commission may by two thirds majority vote modify the rules concerning the panel procedures pursuant to Article XV, which forms an integral part of this Convention.

Article XX - Signature, ratification, acceptance and approval

1. This Convention shall be open for signature at Ottawa until 31 December 1978, by the Parties represented at the Diplomatic Conference on the Future of Multilateral Cooperation in the Northwest Atlantic Fisheries, held at Ottawa from 11 to 21 October 1977. It shall thereafter be open for accession.
2. This Convention shall be subject to ratification, acceptance or approval by the Signatories and the instruments of ratification, acceptance or approval shall be deposited with the Government of Canada, referred to in this Convention as "the Depositary".
3. This Convention shall enter into force upon the first day of January following the deposit of instruments of ratification, acceptance or approval by not less than six Signatories; at least one of which exercises fisheries jurisdiction in waters forming part of the Convention Area.
4. Any party which has not signed this Convention may accede thereto by a notification in writing to the Depositary. Accessions received by the Depositary prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Accessions received by the Depositary after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary.
5. The Depositary shall inform all Signatories and all Contracting Parties of all ratifications, acceptances or approvals deposited and accessions received.

Article XXI - Withdrawal

1. Any Contracting Party may withdraw from the Convention on 31 December of any year by giving notice on or before the preceding 30 June to the Depositary, which shall communicate copies of such notice to other Contracting Parties.
2. Any other Contracting Party may thereupon withdraw from the Convention on the same 31 December by giving notice to the Depositary within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1.

Article XXII - Registration

1. The original of the present Convention shall be deposited with the Government of Canada, which shall communicate certified copies thereof to all the Signatories and to all the Contracting Parties.
2. The Depositary shall register the present Convention with the Secretariat of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Ottawa, this 24th day of October, 1978, in a single original, in the English and French languages, each text being equally authentic.

FOR BULGARIA:

FOR CANADA:

FOR CUBA:

FOR DENMARK (IN RESPECT OF THE FAROE ISLANDS):

FOR THE EUROPEAN ECONOMIC COMMUNITY:

FOR THE GERMAN DEMOCRATIC REPUBLIC:

FOR ICELAND:

FOR JAPAN:

FOR NORWAY:

FOR POLAND:

FOR PORTUGAL:

FOR ROMANIA:

FOR SPAIN:

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

FOR THE UNITED STATES OF AMERICA:

The Under-Secretary of State for External Affairs certifies that this is a true copy of the original deposited in the Treaty Archives of the Government of Canada.

Under-Secretary of State for External Affairs

Annex I to the Convention – Scientific and Statistical Subareas, Divisions and Subdivisions

The scientific and statistical subareas, divisions and subdivisions provided for by Article XXIII of this Convention shall be as follows:

1(a) **Subarea 0**

That portion of the Convention Area bounded on the south by a line extending due east from a point at 61°00' north latitude and 65°00' west longitude to a point at 61°00' north latitude and 59°00' west longitude, thence in a southeasterly direction along a rhumb line to a point at 60°12' north latitude and 57°13' west longitude; thence bounded on the east by a series of geodisic lines joining the following points:

Point No.	Latitude	Longitude	Point No.	Latitude	Longitude	Point No.	Latitude	Longitude
1	60°12'0	57°13'0	40	67°28'3	57°55'3	79	71°31'8	62°32'0
2	61°00'0	57°13'1	41	67°29'1	57°56'1	80	71°32'9	62°33'5
3	62°00'5	57°21'1	42	67°30'7	57°57'8	81	71°44'7	62°49'6
4	62°02'3	57°21'8	43	67°35'3	58°02'2	82	71°47'3	62°53'1
5	62°03'5	57°22'2	44	67°39'7	58°06'2	83	71°52'9	63°03'9
6	62°11'5	57°25'4	45	67°44'2	58°09'9	84	72°01'7	63°21'1
7	62°47'2	57°41'0	46	67°56'9	58°19'8	85	72°06'4	63°30'9
8	63°22'8	57°57'4	47	68°01'8	58°23'3	86	72°11'0	63°41'0
9	63°28'6	57°59'7	48	68°04'3	58°25'0	87	72°24'8	64°13'2
10	63°35'0	58°02'0	49	68°06'8	58°26'7	88	72°30'5	64°26'1
11	63°37'2	58°01'2	50	68°07'5	58°27'2	89	72°36'3	64°38'8
12	63°44'1	57°58'8	51	68°16'1	58°34'1	90	72°43'7	64°54'3
13	63°50'1	57°57'2	52	68°21'7	58°39'0	91	72°45'7	64°58'4
14	63°52'6	57°56'6	53	68°25'3	58°42'4	92	72°47'7	65°00'9
15	63°57'4	57°53'5	54	68°32'9	59°01'8	93	72°50'8	65°07'6
16	64°04'3	57°49'1	55	68°34'0	59°04'6	94	73°18'5	66°08'3
17	64°12'2	57°48'2	56	68°37'9	59°14'3	95	73°25'9	66°25'3
18	65°06'0	57°44'1	57	68°38'0	59°14'6	96	73°31'1	67°15'1
19	65°08'9	57°43'9	58	68°56'8	60°02'4	97	73°36'5	68°05'5
20	65°11'6	57°44'4	59	69°00'8	60°09'0	98	73°37'9	68°12'3
21	65°14'5	57°45'1	60	69°06'8	60°18'5	99	73°41'7	68°29'4
22	65°18'1	57°45'8	61	69°10'3	60°23'8	100	73°46'1	68°48'5
23	65°23'3	57°44'9	62	69°12'8	60°27'5	101	73°46'7	68°51'1
24	65°34'8	57°42'3	63	69°29'4	60°51'6	102	73°52'3	69°11'3
25	65°37'7	57°41'9	64	69°49'8	60°58'2	103	73°57'6	69°31'5
26	65°50'9	57°40'7	65	69°55'3	60°59'6	104	74°02'2	69°50'3
27	65°51'7	57°40'6	66	69°55'8	61°00'0	105	74°02'6	69°52'0
28	65°57'6	57°40'1	67	70°01'6	61°04'2	106	74°06'1	70°06'6
29	66°03'5	57°39'6	68	70°07'5	61°08'1	107	74°07'5	70°12'5
30	66°12'9	57°38'2	69	70°08'8	61°08'8	108	74°10'0	70°23'1
31	66°18'8	57°37'8	70	70°13'4	61°10'6	109	74°12'5	70°33'7
32	66°24'6	57°37'8	71	70°33'1	61°17'4	110	74°24'0	71°25'7
33	66°30'3	57°38'3	72	70°35'6	61°20'6	111	74°28'6	71°45'8
34	66°36'1	57°39'2	73	70°48'2	61°37'9	112	74°44'2	72°53'0
35	66°37'9	57°39'6	74	70°51'8	61°42'7	113	74°50'6	73°02'8
36	66°41'8	57°40'6	75	71°12'1	62°09'1	114	75°00'0	73°16'3

37	66°49'5	57°43'0	76	71°18'9	62°17'5	115	75°05'	73°30'
38	67°21'6	57°52'7	77	71°25'9	62°25'5			
39	67°27'3	57°54'9	78	71°29'4	62°29'3			

and thence due north to the parallel of 78°10' north latitude; and bounded on the west by a line beginning at 61°00' north latitude and 65°00' west longitude and extending in a northwesterly direction along a rhumb line to the coast of Baffin Island at East Bluff (61°55' north latitude and 66°20' west longitude), and thence in a northerly direction along the coast of Baffin Island, Bylot Island, Devon Island and Ellesmere Island and following the meridian of 80° west longitude in the waters between those islands to 78°10' north latitude; and bounded on the north by the parallel of 78°10' north latitude.

1(b) **Subarea 0 is composed of two Divisions:**

Division 0–A

That portion of the Subarea lying to the north of the parallel of 66°15' north latitude;

Division 0–B

That portion of the Subarea lying to the south of the parallel of 66°15' north latitude.

2(a) **Subarea 1**

That portion of the Convention Area lying to the east of Subarea 0 and to the north and east of a rhumb line joining a point at 60°12' north latitude and 57°13' west longitude with a point at 52°15' north latitude and 42°00' west longitude.

2(b) **Subarea 1 is composed of six Divisions:**

Division 1A

That portion of the Subarea lying north of the parallel of 68°50' north latitude (Christianshaab);

Division 1B

That portion of the Subarea lying between the parallel of 66°15' north latitude (5 nautical miles north of Umanarsugssuak) and the parallel of 68°50' north latitude (Christianshaab);

Division 1C

That portion of the Subarea lying between the parallel of 64°15' north latitude (4 nautical miles north of Godthaab) and the parallel of 66°15' north latitude (5 nautical miles north of Umanarsugssuak);

Division 1D

That portion of the Subarea lying between the parallel of 62°30' north latitude (Frederikshaab Glacier) and the parallel of 64°15' north latitude (4 nautical miles north of Godthaab),

Division 1E

That portion of the Subarea lying between the parallel of 60°45' north latitude (Cape Desolation) and the parallel of 62°30' north latitude (Frederikshaab Glacier);

Division 1F

That portion of the Subarea lying south of the parallel of 60°45' north latitude (Cape Desolation).

3(a) **Subarea 2**

That portion of the Convention Area lying to the east of the meridian of 64°30' west longitude in the area of Hudson Strait, to the south of Subarea 0, to the south and west of Subarea 1 and to the north of the parallel of 52°15' north latitude.

3(b) **Subarea 2 is composed of three Divisions:**

Division 2G

That portion of the Subarea lying north of the parallel of 57°40' north latitude (Cape Mugford);

Division 2H

That portion of the Subarea lying between the parallel of 55°20' north latitude (Hopedale) and the parallel of 57°40' north latitude (Cape Mugford);

Division 2J

That portion of the Subarea lying south of the parallel of 55°20' north latitude (Hopedale).

4(a) **Subarea 3**

That portion of the Convention Area lying south of the parallel of 52°15' north latitude, and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line commencing at 39°00' north latitude, 50°00' west longitude and extending in a northwesterly direction to pass through a point at 43°30' north latitude, 55°00' west longitude in the direction of a point at 47°50' north latitude, 60°00' west longitude until it intersects a straight line connecting Cape Ray, 47°37.0' north latitude; 59°18.0' west longitude on the coast of Newfoundland, with Cape North, 47°02.0' north latitude; 60°25.0' west longitude on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray, 47°37.0' north latitude, 59°18.0' west longitude.

4(b) **Subarea 3 is composed of six Divisions:**

Division 3K

That portion of the Subarea lying north of the parallel of 49°15' north latitude (Cape Freels, Newfoundland);

Division 3L

That portion of the Subarea lying between the Newfoundland coast from Cape Freels to Cape St. Mary and a line described as follows: beginning at Cape Freels, thence due east to the meridian of 46°30' west longitude, thence due south to the parallel of 46°00' north latitude, thence due west to the meridian of 54°30' west longitude, thence along a rhumb line to Cape St. Mary, Newfoundland.

Division 3M

That portion of the Subarea lying south of the parallel of 49°15' north latitude and east of the meridian of 46°30' west longitude;

Division 3N

That portion of the Subarea lying south of the parallel of 46°00' north latitude and between the meridian of 46°30' west longitude and the meridian of 51°00' west longitude;

Division 3O

That portion of the Subarea lying south of the parallel of 46°00' north latitude and between the meridian of 51°00' west longitude and the meridian of 54°30' west longitude;

Division 3P

That portion of the Subarea lying south of the Newfoundland coast and west of a line from Cape St. Mary, Newfoundland to a point at 46°00' north latitude, 54°30' west longitude, thence due south to a limit of the Subarea;

Division 3P is divided into two Subdivisions:

3Pn – Northwestern Subdivision – That portion of Division 3P lying northwest of a line extending from 47°30.7' north latitude; 57°43.2' west longitude Newfoundland, approximately southwest to a point at 46°50.7' north latitude and 58°49.0' west longitude;

3Ps – Southeastern Subdivision – That portion of Division 3P lying southeast of the line defined for Subdivision 3Pn.

5(a) Subarea 4

That portion of the Convention Area lying north of the parallel of 39°00' north latitude, to the west of Subarea 3, and to the east of a line described as follows:

beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point at 44°46' 35.346" north latitude; 66°54' 11.253" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°24'27.24" west longitude; thence along a geodetic line in a southwesterly direction to a point at 42°53'14" north latitude and 67°44'35" west longitude; thence along a geodetic line in a southeasterly direction to a point at 42°31'08" north latitude and 67°28'05" west longitude; thence along a geodetic line to a point at 42°20' north latitude and 67°18'13.15" west longitude;

thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point at 42°00' north latitude and 65°40' west longitude and thence due south to the parallel of 39°00' north latitude.

5(b) Subarea 4 is composed of six Divisions:

Division 4R

That portion of the Subarea lying between the coast of Newfoundland from Cape Bauld to Cape Ray and a line described as follows: beginning at Cape Bauld, thence due north to the parallel of 52°15' north latitude, thence due west to the Labrador coast, thence along the Labrador coast to the terminus of the Labrador-Quebec boundary, thence along a rhumb line in a southwesterly direction to a point at 49°25' north latitude, 60°00' west longitude, thence due south to a point at 47°50' north latitude, 60°00' west longitude, thence along a rhumb line in a southeasterly direction to the point at which the boundary of Subarea 3 intersects the straight line joining Cape North, Nova Scotia with Cape Ray, Newfoundland, thence to Cape Ray, Newfoundland;

Division 4S

That portion of the Subarea lying between the south coast of Quebec from the terminus of the Labrador-Quebec boundary to Pte. des Monts and a line described as follows: beginning at Pte. des Monts, thence due east to a point at 49°25' north latitude, 64°40' west longitude, thence along a rhumb line in an east-southeasterly direction to a point at 47°50' north latitude, 60°00' west longitude, thence due north to a point at 49°25' north latitude, 60°00' west longitude, thence along a rhumb line in a northeasterly direction to the terminus of the Labrador-Quebec boundary;

Division 4T

That portion of the Subarea lying between the coasts of Nova Scotia, New Brunswick and Quebec from Cape North to Pte. des Monts and a line described as follows: beginning at Pte. des Monts, thence due east to a point at 49°25' north latitude, 64°40' west longitude, thence along a rhumb line in a southeasterly direction to

a point at 47°50' north latitude, 60°00' west longitude, thence along a rhumb line in a southerly direction to Cape North, Nova Scotia;

Division 4V

That portion of the Subarea lying between the coast of Nova Scotia between Cape North and Fourchu and a line described as follows: beginning at Fourchu, thence along a rhumb line in an easterly direction to a point at 45°40' north latitude, 60°00' west longitude, thence due south along the meridian of 60°00' west longitude to the parallel of 44°10' north latitude, thence due east to the meridian of 59°00' west longitude, thence due south to the parallel of 39°00' north latitude, thence due east to a point where the boundary between Subareas 3 and 4 meets the parallel of 39°00' north latitude, thence along the boundary between Subareas 3 and 4 and a line continuing in a northwesterly direction to a point at 47°50' north latitude, 60°00' west longitude, and thence along a rhumb line in a southerly direction to Cape North, Nova Scotia;

Division 4V is divided into two Subdivisions:

4Vn – Northern Subdivision – That portion of Division 4V lying north of the parallel of 45°40' north latitude;

4Vs – Southern Subdivision – That portion of Division 4V lying south of the parallel of 45°40' north latitude,

Division 4W

That portion of the Subarea lying between the coast of Nova Scotia from Halifax to Fourchu and a line described as follows: beginning at Fourchu, thence along a rhumb line in an easterly direction to a point at 45°40' north latitude, 60°00' west longitude, thence due south along the meridian of 60°00' west longitude to the parallel of 44°10' north latitude, thence due east to the meridian of 59°00' west longitude, thence due south to the parallel of 39°00' north latitude, thence due west to the meridian of 63°20' west longitude, thence due north to a point on that meridian at 44°20' north latitude, thence along a rhumb line in a northwesterly direction to Halifax, Nova Scotia;

Division 4X

That portion of the Subarea lying between the western boundary of Subarea 4 and the coasts of New Brunswick and Nova Scotia from the terminus of the boundary between New Brunswick and Maine to Halifax, and a line described as follows: beginning at Halifax, thence along a rhumb line in a southeasterly direction to a point at 44°20' north latitude, 63°20' west longitude, thence due south to the parallel of 39°00' north latitude, and thence due west to the meridian of 65°40' west longitude.

6(a) **Subarea 5**

That portion of the Convention Area lying to the west of the western boundary of Subarea 4, to the north of the parallel of 39°00' north latitude, and to the east of the meridian of 71°40' west longitude.

6(b) **Subarea 5 is composed of two Divisions:**

Division 5Y

That portion of the Subarea lying between the coasts of Maine, New Hampshire and Massachusetts from the border between Maine and New Brunswick to 70°00' west longitude on Cape Cod (at approximately 42° north latitude) and a line described as follows: beginning at a point on Cape Cod at 70° west longitude (at approximately 42° north latitude), thence due north to 42°20' north latitude, thence due east to 67°18'13.15" west longitude at the boundary of Subareas 4 and 5, and thence along that boundary to the boundary of Canada and the United States;

Division 5Z

That portion of the Subarea lying to the south and east of Division 5Y.

Division 5Z is divided into two Subdivisions: an eastern Subdivision and a western Subdivision defined as follows:

5Ze – Eastern Subdivision – That portion of Division 5Z lying east of the meridian of 70°00' west longitude;

5Zw – Western Subdivision – That portion of Division 5Z lying west of the meridian of 70°00' west longitude.

7(a) **Subarea 6**

That part of the Convention Area bounded by a line beginning at a point on the coast of Rhode Island at 71°40' west longitude, thence due south to 39°00' north latitude, thence due east to 42°00' west longitude, thence due south to 35°00' north latitude, thence due west to the coast of North America, thence northwards along the coast of North America to the point on Rhode Island at 71°40' west longitude.

7(b) **Subarea 6 is composed of eight Divisions:**

Division 6A

That portion of the Subarea lying to the north of the parallel of 39°00' north latitude and to the west of Subarea 5;

Division 6B

That portion of the Subarea lying to the west of 70°00' west longitude, to the south of the parallel of 39°00' north latitude, and to the north and west of a line running westward along the parallel of 37°00' north latitude to 76°00' west longitude and thence due south to Cape Henry, Virginia;

Division 6C

That portion of the Subarea lying to the west of 70°00' west longitude and to the south of Subdivision 6B;

Division 6D

That portion of the Subarea lying to the east of Divisions 6B and 6C and to the west of 65°00' west longitude;

Division 6E

That portion of the Subarea lying to the east of Division 6D and to the west of 60°00' west longitude;

Division 6F

That portion of the Subarea lying to the east of Division 6E and to the west of 55°00' west longitude;

Division 6G

That portion of the Subarea lying to the east of Division 6F and to the west of 50°00' west longitude;

Division 6H

That portion of the Subarea lying to the east of Division 6G and to the west of 42°00' west longitude.

Annex II to the Convention – Rules concerning the panel procedure pursuant to Article XVIII

1. The Executive Secretary shall establish and maintain a list of experts who are willing and able to serve as panellists. Each Contracting Party shall be entitled to nominate up to five experts whose competence in the legal, scientific or technical aspects of fisheries covered by the Convention is established. The nominating Contracting Party shall provide information on relevant qualifications and experience of each of its nominees.
2. The Parties to the dispute shall notify the Executive Secretary of their intention to submit a dispute to an ad hoc panel. The notification shall be accompanied by a full description of the subject matter of the dispute as well as the grounds invoked by each Party. The Executive Secretary shall promptly transmit a copy of the notification to all Contracting Parties.
3. Where another Contracting Party wishes to become Party to a dispute, it may join the process of constituting a panel, unless the original Parties to the dispute disagree. The Contracting Party wishing to become a party to the dispute should notify this intention within 15 days after having received the notification referred to in paragraph 2.
4. No sooner than 30 days and no later than 45 days after the notification referred to in paragraph 2, the Parties to the dispute shall notify the Executive Secretary of the constitution of the panel, including the names of the panellists and the time schedule for its work. Unless the Parties agree otherwise, the following shall apply:
 - a) the panel shall consist of three members;
 - b) the Parties to the dispute shall each select one panellist and agree on the third panellist;
 - c) the third panellist shall chair the panel;
 - d) the third panellist shall not be a national of either Party and shall not be of the same nationality as either of the first two panellists; and
 - e) in case of a dispute between more than two Contracting Parties, Parties of the same interest shall select one panellist jointly. If the Parties to the dispute can not agree on the nomination of the third panellist, the President of the International Tribunal of the Law of the Sea shall make the appointment, unless the Parties agree that the appointment be made by another person or a third state.

The Executive Secretary shall promptly transmit a copy of the notification to all Contracting Parties.

5. Any Contracting Party, which is not a Party to the dispute, may attend all hearings of the panel, make written and oral submissions to the panel and receive the submissions of each Party to the dispute.
6. At the request of a Party to the dispute, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the Parties to the dispute so agree.
7. Unless the Parties to the dispute otherwise agree, the panel shall, within 90 days from the constitution of the panel, make its report and recommendations referred to in paragraph 3 of Article 18 of the Convention. The report and recommendations shall be confined to the subject matter of the dispute and state the reasons on which they are based. The report and recommendations shall be communicated promptly, through the Executive Secretary, to all Contracting Parties.
8. The panel shall aim at reaching a consensus in its conclusions. If this is not possible the panel shall reach its conclusions by a majority of its members, who may not abstain from voting.
9. The panel may adopt any rules of procedure, which it deems necessary to accelerate the proceedings.
10. Costs of the panel shall be borne by the Parties to the dispute in equal parts.

SECTION IV
(pages 241 to 294)

**Report of the Standing Committee on
International Control (STACTIC)
12-15 June 2006
Copenhagen, Denmark**

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**Report of the Standing Committee on
International Control (STACTIC)**
(FC Doc. 06/2)

**12-15 June 2006
Copenhagen, Denmark**

1. Opening of the Meeting (Vice-Chair: Mads Nedergaard, DFG)

The Chairman opened the meeting at 9:45 am at the Representation of Greenland and Faroe Islands (North Atlantic House / Nordatlantens Brygge), Copenhagen, Denmark and welcomed representatives of Canada, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Norway, Russia, the United States and the NAFO Secretariat to the STACTIC intersessional Meeting (Annex 1).

No opening statements were made.

2. Election of Chair

Mads T. Nedergaard (DFG) assumed the post of Chair.

The issue of Vice-Chair was deferred to the 2006 NAFO Annual Meeting.

3. Appointment of Rapporteur

Mr. Brent Napier (Canada) was appointed Rapporteur.

4. Adoption of Agenda

The Chair introduced the agenda and indicated that, due to its relative importance, the focus of the meeting should be on item 5 *NAFO Reform*. The Chair recommended that any additional items not provided for in the agenda should be addressed in agenda item 8 *Other Matters*.

The NAFO Executive Secretary brought to the attention of the Chair three additional items that required STACTIC's attention: a Ukrainian proposal on Observers, the introduction of electronic standard observer reports and deferred items from the Montreal meeting of the NAFO Working Group on Reform. The Chair deferred these items to later in the agenda.

The agenda as attached was adopted (Annex 2).

5. NAFO Reform

The Chair opened item 5.

i. Review effectiveness of existing NAFO monitoring, control and surveillance (MCS) scheme and consider changes that would improve effectiveness and efficiency in terms of operation, results and costs.

The Chair introduced the agenda item and opened the floor for comments.

The representative of the EU suggested that STACTIC review areas of concern within the MCS scheme with a view to determining current challenges and focusing STACTIC efforts. The representative of the EU raised the matter of cost effectiveness of the current inspection practices and suggested that current level of inspection presence could be reviewed. The representative of the EU indicated that, given the current level of fishing activity in the NRA, it should be considered whether the inspection vessel presence could not be reduced to a more appropriate level. The representative of the EU also referred to the provisions of Article 33(3) (follow-up on infringements within 72 hour period) and questioned whether this could be respected by Contracting Parties

with no inspection platform in the NRA. The representative of the EU also expressed the view that all Contracting Parties with a fishing presence in the NRA should become involved in the inspection activity.

The Chair offered three potential areas of focus: authority of inspectors, cost effectiveness (including cost sharing) and joint inspections. In this context the Chair indicated that efficiencies may be achieved through better coordination of enforcement efforts. The Chair further suggested that representatives from the three Contracting Parties with recent inspection experience could reflect on their experiences.

The representative of Canada noted that Fisheries Commission discussions had presumably occurred on this agenda item with a general consensus that there was a need to improve the current MCS scheme in the area outlined in item 5ii. The representative from Canada suggested that it may be useful to continue this discussion in the context of specific drafts.

The EU representative considered the work of STACTIC, in the context of NAFO reform, would be improved if the parameters of the task could be clearly defined before entering into discussions on detailed proposals.

ii. Strengthen the monitoring, control and surveillance (MCS) regimes including:

• Joint MCS systems

The representative of Canada introduced STACTIC Working Paper 06/07 (Annex 3) on improved coordination and cooperation under the Joint Inspection and Surveillance Scheme and invited general discussion.

The representative of Norway and of the United States both indicated that, should they participate at some point in the future, all inspection platforms are considered military in nature and that there would be no problem having civilian inspectors operating from these platforms.

The representative of the United States supported the joint inspection initiative and indicated that similar experiences in the United States (eg: fisheries and drug enforcement operations) have been positive experiences. The representative of the United States added that, should they participate, they would require more flexibility in the scheduling of inspection resources.

The representative of the EU agreed in principle with the concept and indicated that Canada and the EU were currently working on a joint patrol in July. In addition the representative of the EU indicated that the EU had previously worked with SPM on a similar initiative and found the experience provided valuable feedback. The representative of the EU did however identify some areas within the proposal that required further attention including: a need to further review the role of the NAFO Executive Secretary, a potential link to overall inspection presence, the concept of lead officer (including a change in language to inspector-in-charge), deployment plans (which vessels are inspected and where) and finally concerns that problems of NCEM interpretation should be addressed prior to joint inspections.

On the issue of lead inspector, the Chair indicated that it was his experience that this function was generally determined by seniority. The representative of Norway indicated that, certainly in cases where an inspector is aboard vessels from their respective flag State, the inspector from the flag State should have the lead for reasons of language and authority to follow-up. The representative of the United States supported Norway and indicated that the concept of lead inspector/inspector-in-charge should not be ambiguous but clear to participating inspectors.

The Executive Secretary indicated that involvement from the Secretariat in an advisory coordinating role could create a more equitable distribution of inspection costs and potentially identify over/under capacity of inspection resources. As well, the Executive Secretary added that any future request to assist in the coordination of NAFO inspection activities should not be a problem but added that real time reporting of inspection presence would be a requirement. On the matter of over/under capacity of inspection resources the Executive Secretary indicated that, with the guidance of STACTIC, it would be possible to develop a ratio of fishing effort to inspection effort based on historical data. The representative of the EU indicated

that historical effort might identify peaks and troughs and would be useful background information. The Chair asked the Executive Secretary to provide the historical catch and inspection data.

The representative of Canada cautioned that establishing appropriate inspection levels was more complex than correlating level of fishing effort with level of inspection as the relationship should also consider compliance levels and fishery type. The representative of Canada also voiced concerns about exploring limits on patrol vessels as the mandate of STACTIC was to look for ways to improve effectiveness not necessarily to reduce inspection capacity.

The representative of the EU recommended that this subject be revisited at the 2006 NAFO annual meeting after there had been an opportunity to benefit from some practical experiences from the initiative planned over the course of the summer 2006.

This item was deferred to the 2006 NAFO annual meeting and closed.

• **Dissemination of collected data**

The representative of Canada presented STACTIC Working Paper 06/5 (Annex 4) on Data sharing between NAFO and NEAFC and provided a brief summary of the proposal. The representative of Canada further indicated that NAFO had previously worked with NEAFC on establishing common codes (North Atlantic Format) and noted a process for establishing this exchange with NEAFC is required.

The Chair commented that cooperation would be beneficial to both RFMOs and that sharing catch data could be useful when addressing potential misreporting of catch. The Chair also remarked that there was still a need to work on the format of data, make an official request to NEAFC and consult with the Advisory Group on Data Communication.

The representative of Iceland indicated that it would also be useful to have a “smart system” that automatically polled the database upon reporting of catch from either jurisdiction.

The representative of Russia pointed out that the confidentiality conditions found in Annex XIX (3.4) of the NCEM’s may need to be amended to allow for the exchange of data with NEAFC.

Upon a request from the Chair, Iceland reviewed the Canadian proposal and provided comments based on their knowledge of data management and NEAFC’s structure. The representative of Iceland advised that there were four implementation options that could be considered in the context of the current Canadian proposal. The four options had different system, data and NCEM (and NEAFC Measures) text implications. The Chair thanked Iceland for its advice and requested that the representative of Iceland prepare a working paper that fully outlines the four options and the steps required to implement these options. The representative of Iceland undertook to provide the requested working paper prior to the next annual NAFO meeting.

The representative of the EU thanked the representative of Iceland for the effort on this topic and noted that further reflection on the follow-up process may be required to identify processes to be followed when inconsistencies are detected.

At the request of the Chair Iceland undertook to produce a Working Paper that elaborated on the options presented to STACTIC based on the Canadian proposal as well as develop a Working Paper on weekly catch reporting and the technological implications to the current NAFO format.

This work will be further discussed at the 2006 NAFO annual meeting.

• **Regular compliance review mechanisms**

Canada introduced STACTIC Working Paper 06/6 (Annex 5) on proposed roles and responsibilities for the STACTIC Compliance Assessment. The representative of Canada supported the current assessment process

and noted that the proposal reflected work completed by the Compliance Working Group in 2005/2006 and outlined suggestions/recommendations on improvements to the compliance assessment.

The Chair noted that the proposal might be a burden for the Executive Secretary and that she may require tools/guidance to proceed with any proposed administrative assessment. The Executive Secretary indicated that the Secretariat was equipped to handle this request but would be grateful for guidance from STACTIC.

Additional discussion on this matter occurred under agenda item 7.

• **Cost sharing of MCS systems in a fair and transparent manner**

The Chair introduced the agenda item however there was general uncertainty on the intent of this item. The Chair indicated that STACTIC could explore sharing the burden of maintaining an inspection presence in the NRA and suggested that STACTIC Working Paper 03/2 be reviewed as a possible resource document.

As no proposals were tabled under this agenda item, the Chair asked delegates to reflect on this matter prior to the 2006 NAFO annual meeting.

i. Establishment of guidelines for sanctions

The representative of Canada presented STACTIC Working Paper 06/4 (Annex 6) on a regional sanctions framework and provided a detailed synopsis. The representative of Canada indicated that Canada had no firm views on the population of the table in Annex 1 and was open to input on the matter.

The Chair indicated that this subject may be problematic due to the variety of legal systems and practices in the various Contracting Parties and suggested a general discussion on the proposal.

The representative of the EU agreed that the subject of a sanctions framework was delicate and indicated that recent experience in attempting a similar exercise in the EU was challenging as different countries had different systems. The representative of the EU proposed gathering the various thresholds for Contracting Parties within STACTIC as a starting point.

The representative of Iceland indicated that the concept of a sanctions framework was appearing on agendas in various international fora and agreed with the EU that, as a first step, STACTIC should collect information on applied sanctions threshold for the respective Contracting Parties.

The representative of Russia identified some inaccuracies in Annex 1 of the proposal and the Chair suggested that Russia work with Canada to correct the references.

The representative of the EU indicated that as an additional first step “serious infringements” needed to be defined as the proposed Annex 1 contained infringements not identified in Article 33 of the NCEM’s.

The Chair suggested that Contracting Parties with infringements in NAFO could provide a synopsis of the sanctions levied and the others could provide similar examples from their domestic fisheries.

The representative of Canada indicated that the collection of sanction thresholds may be a worthwhile initiative, however the ultimate objective of the exercise was to develop guidelines.

The representative of Russia indicated that sanctions should be levied against vessels or companies but not against Contracting Parties. The representative of Canada explained that this section of the proposal was based on an existing process allowed under Article 8 (2) of the NCEM’s.

The representative of Iceland indicated that transparency was a good first step and that by documenting existing sanction levels, those Contracting Parties applying inadequate sanctions may be identified.

The representative of EU questioned the usefulness of a vague set of guidelines and reiterated that the follow-up to infringements should be considered and that “serious infringements” in the context of sanctions be defined. Contracting Parties agreed on the principle of applying dissuasive and proportionate sanctions. However there was no consensus on how to proceed in drafting guidelines.

The representative of the EU drafted and introduced STACTIC Working Paper 06/12 (Annex 7) on this subject.

The representative of Canada noted that the proposal does not meet the FC instruction as it appeared to reflect a list of possible sanctions and enforcement measures rather than guidelines on sanctions. It was agreed that there needs to be further discussions on the matter.

The representative of the United States suggested that Contracting Parties should endeavor to provide a description of fisheries sanctions in their respective domestic infringement systems. Afterwards, STACTIC could then rank infringements based on level of severity and suggest responsive measures / sanctions.

The Chair suggested that Contracting Parties provide information on fisheries sanctions from their respective systems. Once this information was available, an analysis / assessment could be conducted during the 2006 NAFO annual meeting.

The representative of Canada noted that, while providing a summary of domestic fisheries sanctions would be a good first step that Canada could support it could not be considered to fulfill our mandate.

The agenda item was deferred to the 2006 NAFO annual meeting.

iv. Role of observers

The representative of Canada presented STACTIC Working Paper 06/8 (Annex 8) a discussion paper on areas of possible reform in NCEM Chapter III. The representative of Canada provided a comprehensive review of the proposed changes.

The representative of Russia presented STACTIC Working Paper 06/9 (Annex 9) under this agenda item which outlined proposed improvements to the MCS regime in areas related to joint inspections, neutral ports for inspection, the administration of sanctions, the coding amendments to Annex X of the NCEM's.

The representative of the EU indicated that VMS harmonization between NAFO and NEAFC was a sound idea, however indicated that suggestions with regards to the role of NAFO Observers should be more thoroughly discussed. The representative of the EU stated that, based on the mandate of STACTIC to explore the cost effectiveness of MCS elements, it was the EU's position that the need for an Observer program should be, at the very least, seriously reviewed.

The Chair commented that, due to the absence of a Ukrainian representative, the Ukrainian proposal (STACTIC WP 06/3 – Annex 10) will be further discussed at the next meeting of STACTIC.

The Chair suggested that, pending the outcome of the pilot project (information due June 30, 2006), the item would be deferred and a technical assessment conducted once the results of the pilot project is completed.

The representative of Iceland requested that all participating Contracting Parties and inspection agencies provide any relevant information on the effectiveness of the observer programs so that a proper technical evaluation can be conducted.

The representatives of Iceland and Norway noted that prior to making new rules regarding observers, a review of the pilot project should be undertaken.

The item was deferred to the 2006 NAFO annual meeting.

v. Follow-up on infringements

The representative of Canada introduced STATIC Working Paper 06/10 (Annex 11) containing amendments to Chapter IV, of the NCEM's that focused on enhanced follow-up to infringements. The representative of Canada provided an overview on the proposal's objectives and key modifications to the text of Chapter IV and invited discussion on the matter.

The representative of the EU indicated that this was an important issue but questioned the concept of "neutral port" found in Article 33 (3), as it was not in-line with the atmosphere of cooperation that currently existed within NAFO. The representative of the Canada noted that the concept was not new to discussions and indicated that it was an optional provision to be employed solely in specific cases. The representative of Canada referenced the Russian proposal (Annex 9) citing that it also contained a reference to neutral port inspections.

The Chair commented that courts may be reluctant to accept photography / video evidence as "stand-alone" evidence and noted that the addition of four new serious infringements into Article 33 ([1] k,l,m,n) were consistent with those identified in the NEAFC Scheme. In addition, the Chair proposed the possible addition of a fifth serious infringement currently including the NEAFC Scheme dealing with IUU vessels. The Chair recommended that STACTIC work towards greater harmonization with NEAFC, specifically on infringement issues.

The representative of the EU concurred, in principle, with the Chair but indicated that infringements were also a question of degree. Iceland also supported greater harmonization. The representative of the United States also supported the four new serious infringements stating that they were reasonable additions at this time but added that 33([1] m) may require additional clarification.

The Chair suggested that STACTIC could, in future, endeavor to develop an objective list of cases that would warrant a call to port (e.g., hold of a vessel is at 90% of capacity and it is not possible to determine the contents of the hold during an at-sea inspection). The representative of the EU noted that additional reflection must be given on reasons to redirect a vessel to port and considered that it was also necessary to evaluate the degree to which the infringement had been committed. It was also necessary to review the content of certain provisions (in particular Articles 9 and 20).

Additional discussion on this matter was deferred to September.

6. VMS re-Tendering

The Chair introduced the agenda item and asked that the Executive Secretary provide a background and status on this issue.

The Executive Secretary introduced draft call for tender and explained that in addition to some dissatisfaction regarding the level of service provided by Trackwell it was also a sound business practice to look for more cost effective solutions and avoid dependence on a single supplier. These concerns had been presented to STACTIC in 2005 and were then discussed in STACFAD upon recommendation of STACTIC. The General Council then authorized the Secretariat to start a re-tendering process for the VMS service provider with the understanding that the technical specifications given in the call for tender are adequate for the NAFO VMS database. For this purpose, the Executive Secretary circulated a draft call for tenders to STACTIC members. Coincidentally, upon notification of this impending process the existing service provider began to meet the service expectations of the Executive Secretariat. In the interest of cost effectiveness the Executive Secretary recommends pursuing the call for tender.

The Chair noted the importance of proper service and recommended that STACTIC members review the draft call for tender and provide comments to the Executive Secretary. The Chair revisited this agenda item and invited comments. The representative of Iceland applauded the inclusion of relevant NAFO Articles and templates in the draft call for tenders but questioned whether a call for proposals was necessary at this time. The representative of Iceland continued by indicating that, should a selection process be initiated, a Working Group of experts familiar with VMS should be established to review the proposals to verify whether NAFO's technical requirements were

met. The representative of Norway suggested that the proposals could be reviewed by the Advisory Group of Data Communication. This could be a task where the group could function according to its intentions, as a joint group between NAFO and NEAFC. However it was agreed that the final decision authority would rest with STACTIC. It was further suggested by the representative of Iceland, that any call for tenders should contain provisions that would allow for amendments to the existing message types. The Executive Secretary indicated that there were some provisions already built into the draft as lessons were learnt from the experience of the current contract. The representative of the EU commented that this initiative was a sound financial management practice and it seemed there was a general consensus on the draft call for tenders. The representative of the EU added that this process should be done on a regular basis to ensure cost effectiveness and encourage adequate levels of service from the VMS service provider. The Executive Secretary suggested that the call for tender process could be revisited every five years.

7. Annual compliance review 2005 (*time permitting*)

The Chair introduced the agenda item and prefaced the discussion by indicating that this exercise was still a learning process and that further work was required to ensure productive annual reviews that provide an accurate compliance picture that could be understood by the Fisheries Commission and the general public. The Chair suggested that a graphical format that would allow comparisons between years on changes in activity and yearly infractions may be appropriate. The Chair encouraged representatives to provide comments to the Executive Secretary in this spirit, not unlike the direction of the Canadian paper.

The FC Coordinator reminded representatives that a Working Group had been established by STACTIC at the last NAFO annual meeting to review the compliance assessment process and provided recommendations. It was suggested by the FC Coordinator that this Working Group meet to provide direction in advance of this years NAFO annual meeting. The Chair encouraged the representatives to focus the efforts of the participating Working Group members on this task. The representative of the EU supported the Chair's comments and indicated that a clear and transparent annual assessment that allowed comparisons over time was the proper way forward. The Chair recommended that the Executive Secretary prepare some options for the next meeting based on input from the Working Group and the STACTIC representatives.

The representative of the EU indicated that, in addition to fishing vessel information, they would appreciate if information could be captured on inspection vessel activity in the NRA. The Executive Secretary noted that, without guidance from the STACTIC representative / Working Group, the format of the 2006 Annual Compliance review would be as per previous years. The Executive Secretary noted that clear direction would need to be provided on recommendations, including further elaboration by Canada on some elements of its proposal. The representative of Canada indicated that the Working Group was provided with a copy of the Canadian proposal and that their work was on-going, however noted that it may not be possible to effect major changes in time for the 2006 Annual Compliance review.

The Chair agreed with Canada's assessment and encouraged both the Working Group and the Contracting Parties to provide the Executive Secretary with the necessary support and guidance. It was agreed that the Canadian proposal would be examined at the 2006 NAFO annual meeting. The representative of Canada indicated a willingness to collaborate with the Working Group to refine the proposal and provide the Executive Secretary with clear direction. The Chair indicated that this issue could be further reviewed at the 2006 NAFO annual meeting, when recommendations have been prepared.

It was decided that a compliance review would be postponed until the 2006 NAFO annual meeting.

8. Other Matters

STACTIC considered the issues referred by the Working Group on the Reform of NAFO during the meeting 25-28 April 2006 in Montreal, Canada.

(i) **Issues referred to STACTIC:**

- **What would be the position of STACTIC on the proposal that STACTIC assumes the responsibilities of STACFAC which would represent a merge of STACTIC and STACFAC?**

The Chair opened the discussion on the agenda item and indicated that there were certainly pros and cons to the proposed merger however, NEAFC currently operated a single sub-committee with a mandate encompassing both STACTIC and STACFAC responsibilities. The rationale for this format was that the measures from both were ultimately enforced by the same enforcement unit. The Executive Secretary observed that STACFAC was currently without a Chair.

The representative of the EU remarked that the Chair's statement was relevant and that there were no detrimental operational effects experienced in NEAFC because of the dual mandate. The representative of the EU added that STACFAC was created to address specific international law issues but that those issues have been addressed. The representative of the United States questioned the possible impact on membership and workload / timelines with regards to reporting to the Fisheries Commission. The representative of the EU addressed the United States' remarks by indicating that the current membership should be capable of handling the enhanced mandate and that there should be little impact on workload or ability to meet Fisheries Commission demands. The representative of Canada agreed with the EU position and indicated that the merge of STACTIC and STACFAC was in-line with the impending merger of the General Council and the Fisheries Commission. The representatives of Iceland echoed the representatives of EU's sentiments.

The representatives of the Norway, Japan, Canada, the EU, Denmark (in respect of the Faroe Islands and Greenland) and Iceland, indicated that the proposed merger could be implemented within NAFO.

- **Reform WG Delegates expressed a wish to define the concept of transshipment but considered that this definition should appear in the NAFO Conservation and Enforcement Measures (NCEM) rather than in the Convention. Against this background, does STACTIC consider that the definition of transshipment contained in the initial version of the Working Paper of the Chairperson constitute a suitable definition of transshipment in the NCEM or should any other definition be considered in this regard?**

After deliberation on the issue STACTIC determined that the definition for the term transshipment should be incorporated into the NCEMS rather than the Convention and that, in the interest of harmonizing with NEAFC, the following definition found in the NEAFC Scheme should be considered:

"Transshipment" means the transfer, over the side, of any quantity of fisheries resources and/or products thereof retained on board, from one fishing vessel to another.

- **Reform WG Delegates expressed a wish that a definition of fishing activities be included in the amended NAFO Convention but some delegates expressed doubts if the definition of fishing activities in the CEM is still adequate. STACTIC was therefore requested to review and if necessary revise this definition.**

In order to adequately address this issue the Chair established a Working Group, consisting of representatives from Iceland, Canada and the United States, which developed the response to this query found in STACTIC Working Paper 06/13 (Annex 12).

(ii) **Review the need for meetings in advance of the 2006 Annual Meeting.**

The Chair remarked that, in addition to the items related to NAFO reform, there were additional work items that STACTIC must attend to at the 2006 NAFO annual meeting. The Chair asked whether, given the significant agenda,

there was support for meetings prior to the annual meeting. The representative of Canada agreed that the agenda was significant and indicated that they were prepared to meet in advance of the annual meeting.

The representative of the United States proposed that each Contracting Party undertake a thorough review of the NAFO reform items and come prepared to discuss the items at the 2006 NAFO annual meeting. The EU representative hoped that Contracting Parties would be able to enter into full and open dialogue on how to move forward.

There was no consensus on the need for a meeting in advance of the annual meeting, however the Chair strongly urged Contracting Parties to come prepared to make significant progress.

(iii) Electronic Observer Reports

The Executive Secretary presented STACTIC Working Paper 06/11 (Annex 13) on Electronic Observer Reports and provided a brief summary of the proposal. Given that this proposal did not constitute changes to the existing system and was simply an attempt to replace a manual process, the Executive Secretary requested that STACTIC approve the use of the proposed electronic observer reports.

The representative of the EU had concerns with regards to the language of origin of these proposed reports. The Executive Secretary explained that based on STACFAD's recommendations, General Council adopted that "(a) CPs be urged to submit their reports in English; (b) that the electronic form be developed quickly; and (c) that the Secretariat receive the necessary funds to translate and digitize the current and past fishery reports submitted by CPs."

There was no objection to proceeding with this proposal. The proposal was conditionally adopted pending no objection by July 5, 2006.

9. Adoption of Report

The report was adopted.

10. Adjournment

The meeting adjourned at 12:00pm on Thursday, June 15, 2006.

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening of the Meeting (Vice-Chair: Mads Nedergaard, DFG)
2. Election of Chair
3. Appointment of Rapporteur
4. Adoption of Agenda
5. NAFO Reform
 - i. Review effectiveness of existing NAFO monitoring, control and surveillance (MCS) scheme and consider changes that would improve effectiveness and efficiency in terms of operation, results and costs.
 - ii. Strengthen the monitoring, control and surveillance (MCS) regimes including:
 - Joint MCS systems
 - Dissemination of collected data
 - Regular compliance review mechanisms
 - Cost sharing of MCS systems in a fair and transparent manner
 - iii. Establishment of guidelines for sanctions
 - iv. Role of observers
 - v. Follow-up on infringements
6. VMS re-Tendering
7. Annual compliance review 2005 (*time permitting*)
8. Other Matters
9. Adoption of Report
10. Adjournment

Annex 3. Proposal by Canada to amend Chapter IV, NAFO Conservation and Enforcement Measures – Improved Coordination and Cooperation under Joint Inspection and Surveillance Scheme
(STACTIC W.P. 06/7)

Background

With increasing demands on the inspection resources of all Contracting Parties, it is important to operate efficiently and to consider new initiatives that improve efficiency and effectiveness of inspection and control.

Additionally, it is important to build confidence between inspectors from all Contracting Parties and to work toward common understanding and interpretation of the NAFO Conservation and Enforcement Measures.

While informal arrangements for joint inspections occur annually, Inspection Parties generally deliver their program through separate inspections from respective inspection vessels.

Article 25 (5) of the NCEM provides the mechanism under which improved coordination and cooperation could be considered:

“..... in the case of mutual agreement between the respective Contracting Parties, inspectors assigned by one Party may be placed on board inspection vessels or aircraft of another Party assigned to the Scheme.”

To improve efficiency and effectiveness, it is proposed that STACTIC recommend approval of a protocol for Improved Coordination and Cooperation under the Joint Inspection and Surveillance Scheme which could be incorporated into the measures as an Annex.

Annex x
Protocol

Improved Coordination and Cooperation under Joint Inspection and Surveillance Scheme

1. Objective

- Improve efficiency and effectiveness of the joint inspection and surveillance Scheme
- Foster confidence and improved communication between inspection authorities of all Contracting Parties
- Develop common understanding and interpretation of the Conservation and Enforcement Measures
- Standardize inspection procedures;
- Build capacity for a coordination role for the Executive Secretary.

2. Scope

To the extent possible, all Contracting Parties/Flag states will endeavour to participate in the delivery of the at- sea inspection component of Chapter IV - *Joint Inspection and Surveillance Scheme*. This participation may occur through the assignment of inspection vessels and/or inspectors to planned and coordinated joint patrols.

3. Role of Executive Secretary (ES)

The Executive Secretary shall have a coordination and facilitation role with respect to joint patrols and inspections by:

- Prior to November 30, seeking information from all Contracting Parties/Flag states on the level of their participation in joint patrols/inspections for the succeeding year;
- Prior to December 31, producing a draft deployment plan/schedule of all participation and providing this plan to all Contracting Parties for approval;
- Maintaining the approved deployment plan by advising all Contracting Parties in advance of specific participation and by completing monthly reports on the level of participation;

4. Roles of Contracting Parties

All participating Contracting Parties/Flag-states shall:

Prior to November 30, notify the Executive Secretary of its level of participation in a joint patrol program for the succeeding year and, as required, notify the Executive Secretariat of any modifications to its level of participation. This notification will include tentative dates and participating vessels and inspectors;

Designate a representative to work directly with the Executive Secretary and other Contracting Parties

Work cooperatively with all participating Contracting Parties/Flag states;

Wherever possible, attempt to resolve any disputes related to inspections;

Ensure the completion of reports on all joint patrols/inspections and submit these reports to the Executive Secretary who may make these reports available to all other Contracting Parties. These reports may include recommendations. The reports will be reviewed by STACTIC and discussed with a view to improving future collaboration and facilitating long term improvements.

The Host Inspection Party shall take all measures practicable to ensure the safety and security of all inspectors;

5. Lead Inspector

All inspection will be conducted in a cooperative manner.

The Inspector from the Contracting Party/Flag state will be the lead inspector for any inspections on vessels from their Contracting Party/Flag state.

For all other inspections, the host Inspection Party will generally act as lead Inspector.

6. Inspection Guidelines

Contracting Parties/Flag states will develop a common understanding and interpretation of the Conservation and Enforcement Measures. In cases where common understanding and interpretation cannot be reached, Contracting Parties/Flag states will seek clarification and guidance from STACTIC.

7. Inspection Vessels

Some Contracting Parties/Flag-states utilize civilian and military vessels for inspections. This protocol will generally apply to the use of civilian vessels only.

Fishery inspections in the Regulatory Area pursuant to this protocol may be terminated for other inspection vessel duties such as those related to Search and Rescue (SAR) and environmental disasters.

8. Other

Notwithstanding this protocol, Contracting Parties/Flag-states may, at any time, decline to participate or terminate ongoing operations when there are conflicting priorities.

**Annex 4. Proposal by Canada - Data sharing between Regional Fisheries
Organizations, NAFO and NEAFC
(STACTIC W.P. 06/5)**

Background

For a number of years, Scientific Council has advised that there are significant discrepancies between reported and actual catch of all species found in the Regulatory Area. In some cases, these discrepancies are caused by the practice of misreporting quota species as non-regulated species or as species from other jurisdictions.

Although the NAFO Conservation and Enforcement Measures require vessels to hail the quantity of catch on board from other jurisdictions prior to entry into the Regulatory Area, it is believed that some vessels over-report quantities (often 10-40% of hold capacity) of catch upon entry into the NAFO Regulatory Area to facilitate under-reporting of catch in the NAFO Regulatory Area. The range of this misreporting varies but can reach 300t of product per voyage. Several citations have been issued related to this practice.

These and other practices by masters undermine the objectives of the organization, the efforts of all Contracting Parties to ensure compliance, and ultimately the sustainability of fisheries in the Regulatory Area.

The Fisheries Commissions has directed STACTIC to review all current conservation and enforcement measures and to consider improvements. One such improvement could be a data sharing protocol between NEAFC and NAFO when vessels fish in both areas during a single voyage.

In 2004, NAFO and NEAFC harmonized reporting and message formats in the vessel monitoring systems to facilitate fishing operations in both areas. This harmonization also facilitates the transfer of data between RFMOs.

Therefore, a data sharing protocol would ensure that Executive Secretary and Inspecting Parties obtain a complete understanding of a vessel's activities when operating in both NEAFC and NAFO by making available information related to catch on board a given vessel for review.

It is proposed that NAFO and NEAFC establish a data exchange protocol for any vessel that has fish on board from either RFMO jurisdiction.

Proposal

Data sharing protocols between NEAFC and NAFO when vessels fish in both areas during a single voyage

The data protocol would include exchanges of all:

1. Positional records:
2. Catch records including catch on entry and catch on exit.

When a vessel enters an RFMO's jurisdiction and generates the appropriate "Catch on Entry" Report, the RFMO's monitoring system would send a "data request" to the other RFMO. This automated message would signal the other monitoring system to send any relevant information on the fishing vessel to the requesting RFMO.

This information shall be forwarded to Contracting parties with an Inspection presence in the Regulatory Area.

In order to automate this data exchange additional message formats would be required.

1. A data request from the requesting RFMO would include the following:

Data Element	Code	Mandatory/ Optional	Remarks
Start Record	SR	M	System Detail; indicates start of record
From	FR		
Sequence Number	SQ		
Type Message	TM		
Vessel Name	NA		Name of vessel information requested on
Radio Call Sign	RC		Radio Call Sign of vessel information requested on
Date	DA		Date of request
Time	TI		Time of request
End Record	ER		System Detail; Indicates end of record

2. The requested RFMO would either provide the relevant data on the vessel or a nil report if the vessel did not fish in their jurisdiction.
3. In the case where there is data available on the requested vessel, the data would be provided to the requesting RFMO.
4. In the case where the vessel did not have any relevant records from the other RFMO a return message indicating "nil" would be sent.

Annex 5. Proposal by Canada to adopt Roles and Responsibilities on Data Analysis
STACTIC Compliance Assessment
(STACTIC W.P. 06/6)

Background

At the April 2005 intercessional meeting of STACTIC in Reykjavik, the Secretariat was asked to provide a more concise compilation of compliance data to ease the workload of STACTIC related to the annual compliance report. In response, the Secretariat produced a preliminary compliance report for review by STACTIC at its Annual Meeting in 2005. This work highlighted the need for a measurable and objective way to assess compliance. Some recommendations from the meeting follow:

1. STACTIC should adopt a standardized compliance report format of two parts: Part I - a report on Contracting Party administrative requirements, and, Part II - a report on vessel (master) compliance with the NCEM.
2. Contracting Parties should ensure all reports are provided in a timely manner to enable the Secretariat to provide meaningful preliminary data analysis for STACTIC to review. Missing reports weaken the validity of any analysis.
3. STACTIC should provide direction to the Secretariat on data analysis and presentation to ensure meaningful analysis for STACTIC.
4. STACTIC should determine measurable criteria for vessel compliance that can be utilized in a consistent manner and permit comparative analysis from year to year.
5. STACTIC should identify a peer group to assist the Secretariat with a preliminary review of the data analysis in advance of the distribution of the final product.

With respect to the Recommendation 1 and 2, it is proposed that the following protocol be adopted by STACTIC.

Protocol

STACTIC Compliance Assessment

Phase I

- Executive Secretary conducts administrative compliance review related to all documents/records that must be submitted by Contracting Parties including but not limited to:
 - Due justification when a vessel is not called to port under NCEM Article 33.7.
 - Inspection Vessels and Inspectors
 - Notification
 - Fishing Vessels and Fishing Plans
 - Notification
 - Observer Trip reports
 - VMS reports
 - COE/COX
 - Port inspection reports
- This review will present information on the specific obligations of Contracting Parties and level of compliance with these obligations, calculated on the basis of the number of required reports and the % of actual reports received as well as an indication of whether the reports were received within the required time frames.

Phase II

- Contracting Parties conduct assessment of compliance by fishing vessels with Conservation and Enforcement Measures including but not limited to:
 - Level of fishing effort and catch in relation to fishing opportunities
 - Infringements and disposition of infringements
- This assessment will present information on compliance on the basis of overall Contracting Party performance and, where possible, overall, by fishery.
- This assessment as well as the annual return/disposition of infringements shall be posted on the NAFO web-site.

Additional Background on Recommendation 1, 2, and 3

Current Data Complication

The Secretariat compiles 13 tables for STATIC in preparation of the annual compliance review. A synopsis of these tables and recommendations for improvements and consolidation follow:

Table 1 - Catches from vessels in the NAFO Regulatory Area

This table is comprised of reported catch by vessel for directed/main species obtained from VMS (COE/COX), Observer reports, Port and at sea inspections. The % difference in the landed versus the logbook catches is good indicator of reporting accuracy of catch onboard, if the port inspection is thorough.

Comments/Suggestions - The data could be presented in two tables, one for shrimp and one for groundfish. This will help separate COE/COX reports from 3L/3M and the NRA.

A review of this table should be conducted to identify unnecessary columns for removal, i.e. gear type (this is fishery specific) and remarks section from at sea inspections as these are included in table 13.

The different data sources do not cover the entire voyage (i.e. at sea inspections versus port inspections). This makes it difficult for meaningful comparison.

Table 2 – Submission of catch and fishing effort data

This table indicates whether the Contracting Party sent required information to the Secretariat and records the number of Observer and Port inspections received from each Contracting Party.

Comments/Suggestions – The relevance of this table should be reviewed as the information from Observer and Port inspection reports is already in table 1 and the 3M fishing days are contained in table 7.

Table 3 - Notification of inspection plans

This table records whether notification of inspection vessels and “commencement/termination” of inspection duties reports were received by the secretariat.

Comments/Suggestion – This table provides administrative compliance data and has no value with respect to fishing vessel compliance.

Table 4 – Reports of infringement follow-up

This table gives the number of infringements by Contracting Party and if follow-up reports have been received.

Comments/Suggestion – The relevance of this table should be reviewed as information on the disposition of infringements is provided in Table 13 and total number of infringements can be included in either Table 13 or Table 5.

Table 5 – Annual report of Inspection and Surveillance activities

This table provides the number of inspections by Contracting Party conducted by patrol vessels from Contracting Parties with inspection vessels in the Regulatory Area.

Comments/Suggestions- This table provides statistical data. The need for additional statistics of a similar nature could be reviewed with a view to streamlining the overall table (e.g. number of infringements (Table 4), number of vessels with infringements (Table 12), number of port inspections/observer reports (Table 2). If agreed, the table could then be renamed to better reflect the expanded data sets.

Table 6a – Comparison of catches of regulated and other major species in the NRA from various sources

This table provides a summary of catches for each Contracting Party by species/division as well as remarks on infringements, charter arrangements, etc.

Comments/Suggestions – Rename table to Summary of catch. The catch information in this table needs to be separate for each division (most Contracting Parties submit total species catch). In its current format the purpose of this table is not being achieved. The remarks column on infringements is duplication and is included in Table 13. The comments on chartering arrangements could be put in a new table specific to chartering.

Table 6b – Catch records and AIs from at sea inspections

This table provides catch information that is already in Table 1 and the remarks section is in Table 13.

Comment/Suggestion – The relevance of this table should be reviewed given apparent duplication.

Table 7 – Estimated fishing days at NRA

This table provides the number of vessels, number of vessels with VMS, number of fishing days for each Contracting Parties from different sources and 3M shrimp days.

Comments/Suggestions – This table contains important statistical information that could be incorporated into Table 5. Also, inconsistencies between the numbers of days from different sources should be determined and underlying reason for discrepancy identified.

Table 8 – Catch reporting through VMS hail reports

This table provides the number of COE/COX/TRA reports received for each Contracting Party; no catch information in this table.

Comments/Suggestion – Review the practicality of merging a number of reports from Table 8 into Table 5.

Table 9 – Gear and mesh size information from observer, inspection and port reports on vessels issued with AI involving gear/vessel modification

This table provides data, from different sources, on vessels with infringements related to gear and mesh size.

Comments/ Suggestions – As the data in this table appears to be included in Table 13, the relevance of this table should be reviewed.

Table 10 – CP Summary on Satellite Tracking System position reports and AIs concerning VMS

Table provides the number of vessels, number with VMS reports, number of days in NRA based on VMS and remarks on infringements related to VMS.

Comments/Suggestions - Include the statistical data from VMS in Table 5. Infringement information is already in Table 13, if these actions are taken the need for table 10 should be reviewed.

Table 11 – AI concerning prevention of inspectors from carrying out their duties

Table provides details of infringements with prevention of inspectors from carrying out their duties.

Comments/Suggestions - This information is already included in Table 13, the need for this table should be discussed.

Table 12 - Number of vessels cited with AI and number of citations by CP

Table provides number of vessels cited with infringement and number of citations.

Comments/Suggestions - The information in this table should be included in Table 5 and with more details already in Table 13.

Table 13 – Details of infringements issued for 2004

Table provides detailed information on infringements for previous year.

Comments/Suggestions – This table should be expanded to include outstanding infringements that were not reported on previously, including the dates issued. This report should carry outstanding infringements forward from year to year until the Contracting Party provides official documentation on the conclusion of the infringement (e.g. penalties/actions).

PHASE TWO

To aid STACTIC in the assessment of vessel compliance more relevant data/analysis must be used as indicators that relate to fishing patterns and practices. The following is a short list of possible ideas that may help achieve this objective and permit a comparative analysis from year to year.

- A more meaningful comparison of catch data from logbooks, observer and port inspection reports could be undertaken. If the catches are not within a certain % of each other this should be further investigated as to the cause of the discrepancy.
- Catch composition should be analysed to determine if exorbitant quantities of certain species (usually low value such as grenadiers) are reported so that further detailed analysis can be completed. This could include comparison to recorded catch of other vessels fishing the same area/depths and /or very rigorous inspection and sampling at port for catch verification.
- Electronic mapping tools can be used to cross reference fishing logbook, sighting and VMS positions for certain timeframes. If this information does not correlate it can be further investigated.
- VMS positional data/sighting positions can be plotted on charts by depth parameters to help determine directed fishery. For example, depths over 500m would be considered G. halibut. In highly sensitive shallow water areas (moratoria species) positional data could be used with an exception based rule that would indicate when vessels have fished in depths < 50m. Then a cross reference of reported catch can be conducted.
- When fishing patterns are not consistent with economics of the fishery (e.g. a tendency to frequently steam long distances for reported low catch, daily catch rates high for low valued species compared to other vessels) it could be further investigated.
- The Inspector observed tows can be compared to reported catch for the day of inspection. Under normal circumstances, if the vessel continues fishing in the same area catch would be similar to those observed. An extrapolation of the observed tow could provide a good indication of the daily catch rate.
- An analysis of the number of days on the fishing grounds in relation to the available quotas could be undertaken.

Annex 6. Proposal by Canada to adopt Regional Sanctions Framework
Northwest Atlantic Fisheries Organization
 (STACTIC W.P. 06/4)

Background and Rationale

STACTIC deliberations on sanctions are generally guided by the St. John's Ministerial Declaration with additional specific direction from Fisheries Commission:

MD - 4D

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:

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.

GC WP 05/8 (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.....

Additional guidance can be found from other international fora such as UNGA:

UNGA

62. *Encourages* the establishment of **regional guidelines** for States to use in establishing sanctions, for non-compliance by vessels flying their flag and by their nationals, that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits deriving from their illegal activities;

and, from recent Fisheries Commission discussions on Convention Reform.

Annex __ (Article 3_

Proposed Sanctions Framework

Introduction

The Northwest Atlantic Fisheries Organization (NAFO) is an intergovernmental fisheries science and management body founded in 1979 as a successor to International Commission of the Northwest Atlantic Fisheries (ICNAF).

The stated objective of Convention on Future Multilateral on Cooperation in the Northwest Atlantic Fisheries is to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area, providing sustainable, economic environmental and social benefits, as well as to conserve the marine ecosystems in which these resources occur.

The Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries applies to fishery resources as defined in the Convention.

Proposed amendments to the Convention outline specific obligations related to the imposition of sanctions for any infringements. At some later point when Convention is modified, we can incorporate actual text.

Article X – Contracting Party Duties

2. Each Contracting Party shall make available to the Commission a statement of implementing and compliance measures, including the outcome of the proceedings referred to in Article XI paragraph 4, it has taken in accordance with this article and, in the case of coastal States that are Contracting Parties to this Convention, as regards the conservation, management and enforcement measures they have taken for straddling stocks occurring in waters under their jurisdiction in the Convention Area.

Article XI – Flag State Duties

5. Each Contracting Party shall ensure that appropriate measures are taken, including administrative action or criminal proceeding in conformity with their national legislation against the nationals responsible for the vessel flying its flag where the measures adopted by the Commission have not been respected.

General

For the purposes of this framework and associated guidelines, sanctions include quota adjustments, landing limitations, restrictions on authorizations to fish, use of targeted MCS elements, or other measures designed to improve compliance with the objectives of the Convention and with the conservation and management measures of the Northwest Atlantic Fisheries Organization (NAFO).

Additionally, measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, inter alia, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.

Sanctions may be administrative or judicial but shall be governed by general principles.

Scope

In order to meet the objectives of the Convention as well as to ensure compliance with conservation and management measures, these guidelines relate to:

- Sanctions imposed by the Commission against Contracting Parties and Non-Contracting Parties; and
- Sanctions imposed against operators and vessels by Contracting Party/flag state which authorize those operators/vessels to fly its flag or by other Contracting Parties.

Principles

Effectiveness

Sanctions should be adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits accruing from their illegal activities.

At a minimum, sanctions should ensure that all fish taken (or the value of all fish taken) in relation to illegal activity is confiscated and additional sanctions are applied at a level sufficient to deter future violations.

Transparency

Sanctions shall be applied in an open and transparent manner, discussed annually by Commission and its subsidiary bodies, and published annually and posted by the Executive Secretary on the public NAFO web-site.

The Commission, Contracting Parties, and flag states shall ensure that their judiciaries and administrators are aware of this source of information to heighten awareness and need for greater consistency in sanctions.

Participation and coordination

To ensure effectiveness, this framework should be implemented by all Contracting Party/flag states and involve coordination, consultation, and the sharing of information among Contracting Party/flag states through the Executive Secretary.

Efficiency

Investigations, proceedings, and sanctions shall be carried out expeditiously and, wherever possible, completed prior to the next fishing voyage or fishing season and always within 18 months from the date of detection of the violation.

Consistency

The Commission, Contracting Parties, and flag states shall seek to apply sanctions for serious violations in a consistent manner and, where possible, ensure a consistent level of sanction is applied for violations of conservation and enforcement measures.

Fairness

The Commission, Contracting Parties, and flag states shall ensure the consistent application of fair, equitable and non-discriminatory sanctions. This application should include the right to a formal appeal process.

Progressive sanctions for Repeat Violators

Sanctions shall be imposed in a manner that ensures repeat violators are sanctioned more severely for successive incidents of non-compliance. Aggregation of violations may be appropriate in certain circumstances.

Guidelines for Sanctions

To ensure that the principles of this framework are achieved, the Commission, Contracting Parties and flag states, as applicable, shall seek direction from the guidelines outlined in Annex I.

These Guidelines are not intended to prescribe fixed sanctions for particular violations of the NAFO Conservation and Enforcement Measures. Rather, they provide guidance to the Fisheries Commission, Contracting Parties and flag states to assist in the imposition of sanctions effectively, consistently and fairly.

These Guidelines recommend types of sanctions to be considered. These Guidelines are not absolute. Based on the facts and circumstances for each case, sanctions may fall outside the guidelines and may consider aggravating and mitigating factors not identified in these Guidelines.

Annex 1 – Applicable Sanction (Administrative or Judicial)

Infringement or Violation					Type of Sanction					
	Level of Seriousness (H, M, L)	Monetary (fines)	Authority to Fish (licenses, quota)	Landing Limitations	Market Access	Forfeiture of Equipment	Forfeiture of Catch	Forfeiture of Vessel	Quota Adjustment (effort reduction)	Other MCS Measures
a) Fishing “Others” without notification (A3)										
b) Directing for a moratoria stock or prohibited species (A9)										
c) Fishing after closure (A3)										
d) Fishing in a closed area (A12)										
e) Mesh size violations (A10)										
f) Fishing without authorization from the CP (A13)										
g) Misreporting of catch - quantity onboard (A19)										
g) Misreporting of catch - failure to report each species (A19)										
h) Vessel Monitoring System (A21)										
i) Communication of Catches (A22)										
j) Preventing inspectors or observers from carrying out their duties (A23 & 29)										
<i>k) Falsifying or concealing the markings, identity or registration of the fishing vessel (A17)</i>										
<i>l) Concealing, tampering with or destroying evidence relating to an investigation;</i>										
<i>m) Multiple violations which together constitute a serious disregard of conservation and management measures</i>										
<i>n) Tampering with or interfering with evidence secured pursuant to paragraph 32.2.</i>										
Fishing in excess of incidental catch limits (A9)										
[Non-compliance related to NCP Activity]										

Table Definitions

Sanctions – The detriment, loss of reward, or coercive intervention annexed to a violation of a law as means of enforcing the law

Authority to Fish – Revoking, restricting or denying access to licenses, quota or other permission to fish.

Forfeiture of Equipment/Catch/ Vessel– Flag-State seizure of items related to the illicit fishing activity based on the severity of the infraction.

Landing limitations – Restrictions or conditions placed on the landing of catch.

Level of Seriousness (H, M, L) - Rank infringements as H, M, or L or to rank within each infringement what constituted H, M, or L

Quota adjustment – Quota adjustment, as per article (8) of the NAFO Conservation and Enforcement Measures.

Annex 7. Proposal by the European Community - Guidelines for Sanctions
(STACTIC W.P. 06/12)

Contracting Parties shall ensure that appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible for infringements of the NAFO Conservation and Enforcement Measures.

Such proceedings shall be capable, in accordance with the relevant provisions of the laws of the flag state, of effectively depriving those responsible of the economic benefit of the infringements and of producing results proportionate to the seriousness of such infringements, effectively discouraging further offences of the same kind.

Depending on the gravity of the infringement the sanctions applied may include in particular:

- a) fines;
- b) seizure of prohibited fishing gear;
- c) seizure of catches;
- d) sequestration of the vessel;
- e) temporary immobilisation of the vessel;
- f) suspension of the licence;
- g) withdrawal of the licence;
- h) deductions from future fishing possibilities.

Flag States shall take immediate measures to prevent vessels, natural or legal persons found *in flagrante delicto* while committing a serious infringement from continuing to do so.

Annex 8. Discussion Paper (prepared by Canada)
(STACTIC W.P. 06/8)

Chapter III
MONITORING OF FISHERIES

Article 20 - Recording of Catch and Stowage

1. Fishing vessels shall, on entering the Regulatory Area, have a record in its fishing logbook of the amount of each species of fish retained on board.
2. Fishing vessels shall record their catches on a daily basis. All logbook entries listed in Annex VIII shall be completed in accordance with its instructions using the codes specified therein.
3. The records referred to in paragraphs 1 and 2 shall correspond to the smallest geographical area for which a quota has been allocated, show the disposition of the catch and include any fish off-loaded while the vessel is operating in the Regulatory Area. The records shall be retained aboard the vessel for a period of at least twelve months.
4. Fishing vessels shall record their cumulative production by species in a production logbook. It shall be updated every day for the preceding day reckoned from 0000 hrs (UTC) until 2400 hrs (UTC). The production logbook shall be kept on board until the vessel has been unloaded completely.
5. Taking into consideration the legitimate safety and navigational responsibilities of the master of the vessel, the following shall apply: Catches of the same species may be stowed in more than one part of the hold, but in each part of the hold where it is stowed it shall be kept clearly separate (for example by plastic, plywood, netting etc.) from catches of other species. Similarly all catches taken inside the NAFO Convention Area shall be stowed separately from all catches taken outside the area.
6. Fishing vessels shall keep a stowage plan that shows the location of the different species in the holds as well as the quantities of such species on board in product weight stated in kilograms. It shall be updated every day for the preceding day reckoned from 0000 hrs (UTC) until 2400 hrs (UTC). The stowage plan shall be kept on board until the vessel has been unloaded completely.

Article 21 - Reporting of Catch and Fishing Effort

1. Each Contracting Party shall report its provisional monthly catches by species and stock area, as well as provisional monthly fishing days in the shrimp fishery, whether or not that Party has quota allocations for the stocks from which catches were obtained. These reports shall be sent to the Executive Secretary within 30 days of the end of the calendar month in which the catches were made.
2. The Executive Secretary shall, within 10 days following the monthly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it together with aggregate catch statistics by stock area to Contracting Parties.
3. Contracting Parties whose vessels are fishing on an "Others" quota in accordance with Article 3 paragraph 3 shall report to the Executive Secretary, at 48-hour intervals, the catches taken by their vessels on such quotas.
4. Contracting Parties shall daily notify the Executive Secretary of shrimp catches taken by its vessels in Division 3L. The Executive Secretary shall forward this information to Contracting Parties with an inspection presence.
5. 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 6.

Orphan Knoll
Corner Seamounts
Newfoundland Seamounts
New England Seamounts

6. For the purposes of paragraph 5, 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.

Article 22 - Vessel Monitoring System (VMS)

1. ~~In order to improve and maintain compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area,~~ Fishing vessels operating in the Regulatory Area shall be equipped with a satellite monitoring device allowing the continuous reporting of their position by the Contracting Party. The satellite monitoring device shall ensure the automatic communication at least once every ~~two hours~~ to a land-based fisheries monitoring centre of the flag state (hereafter referred to as FMC) of data relating to:

- a) the vessel identification;
- b) the most recent geographical position of the vessel (longitude, latitude) with a position error which shall be less than 500 metres, with a confidence interval of 99%; and
- c) the date and time of the fixing of the said position of the vessel.

The first transmitted position report in the Regulatory Area detected by the FMC of the Contracting Party shall be identified as "ENT". All subsequent position reports shall be identified as "POS" except the first position report detected outside the Regulatory Area which shall be identified as "EXI".

If a Contracting Party so requests, the Secretariat shall confirm receipt of all electronic reports using a return message identified as "RET".

2. Each Contracting Party shall take the necessary measures to ensure that its FMC receives these data. The FMC of each Contracting Party shall be equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each Contracting Party shall provide for back-up and recovery procedures in case of system failures and shall take the necessary measures to ensure that the data received from its fishing vessels are recorded in computer readable form for a period of three years.

3. The masters of fishing vessels shall ensure that the satellite monitoring devices are at all times fully operational and that the information in paragraph 1 is transmitted to the FMC. In the event of a technical failure or non-operation of the satellite monitoring device fitted on board a fishing vessel, the device shall be repaired or replaced within one month. After this period, the master of a fishing vessel shall not be authorised to commence a fishing trip with a defective satellite monitoring device. Where a device stops functioning and a fishing trip lasts more than one month, the repair or the replacement has to take place as soon as the vessel enters a port and the fishing vessel shall not be authorised to continue or commence a fishing trip without the satellite monitoring device having been repaired or replaced.

4. Contracting Parties shall take the necessary measures to ensure that the master or the owner of the vessel or their representative is informed when the satellite tracking device fitted on board a vessel flying their flag appears to be defective or non-functioning.

5. Fishing vessels with a defective satellite monitoring device shall communicate, at least every 6 hours, reports containing the information in paragraph 1 to the FMC, by other means of communication (email, radio, facsimile or telex).
6. Contracting Parties shall communicate reports and messages pursuant to paragraphs 1 and 5 to the Executive Secretary as soon as possible, but not later than 24 hours after receipt of those reports and messages. If the Contracting Party so desires, its fishing vessels shall communicate reports (by satellite, email, radio, facsimile or telex) to the Executive Secretary. When the Executive Secretary has not received two consecutive position reports in accordance with paragraphs 1 and 5 and the vessel concerned has not reported that it has left the Regulatory Area the Executive Secretary shall automatically notify the FMC of the flag Contracting Party.
7. Contracting Parties shall ensure that the reports and messages transmitted between the Contracting Party and the Executive Secretary or between its fishing vessels and the Executive Secretary, shall be in accordance with the data exchange format set out in Annex IX.
8. The Executive Secretary shall make available as soon as possible the information received under paragraph 6 to other Contracting Parties with an inspection presence in the Regulatory Area. All reports and messages shall be treated in a confidential manner.
9. When an inspector observes a fishing vessel in the Regulatory Area and has not received data in accordance with paragraphs 1 or 5 he/she shall inform the master of the vessel and the Executive Secretary, who shall immediately inform the flag Contracting Party of the vessel.
10. Contracting Parties shall notify any changes of the name, address, telephone, telex, email and facsimile numbers of their competent authorities to the Executive Secretary without delay.
11. Subject to any other arrangements between Contracting Parties, each Contracting Party shall pay all costs associated with this system.
12. The elements of the VMS program are subject to review and revision, as appropriate, for application in 2004 and subsequent years.

Article 23 - Communication of Catches

1. Fishing vessels shall communicate electronically via the FMC to the Secretariat the following reports:
 - a) catch on entry into the Regulatory Area. This report shall be made at least six (6) hours in advance of the vessel's entry and shall include the date, time, geographical position of the vessel, total round weight by species (3 alpha codes) on board in kilograms (rounded to the nearest 100 kilograms) and directed species. This report shall be identified as COE;
 - b) catch on exit from the Regulatory Area. This report shall be at least six (6) hours in advance of the vessel's exit and shall include the date, time, geographical position of the vessel and catch in round weight taken and retained in the Regulatory Area by species (3 alpha codes) in kg (rounded to nearest 100 kilograms). This report shall be identified as COX;
 - c) 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 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;
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;
 - d) The total quantity of species reported under a), b) and c) for which the total round weight by species is less than one ton may be reported under the 3 alpha code "MZZ" (marine fish not specified).

New Paragraph 2:

- 2.a) As of 1 January 2007, the master shall complete, every week, a report by division on aggregate catches by species retained on board, discards and undersized fish as recorded in the logbook. The VMS template described in Annex A-1 shall be used.
- b) The reports shall be transmitted by Monday 24:00 UTC for the preceding week ending Sunday midnight. If the electronic means for transmitting these reports to and from the FMC is not functioning, the master shall notify the FMC of this failure and transmit the report by any other means of communication available, keep a written log of these transmissions on board and make them available to inspectors if requested.
- c) Contracting Parties shall ensure that technical facilities on board their vessels necessary to send electronic catch reports have been tested with the Secretariat. The testing of this exchange shall be deemed successful once data exchanges have been completed with all recipients at a 100% reliability rate.
- d) The Executive Secretary shall notify the Contracting Party of any vessel from which no reports have been received for 4 consecutive weeks without justification, and copy this notification to Contracting Parties with an inspection presence in the Regulatory Area.

Renumber following Articles

3. Competent authorities of each Contracting Party shall automatically transmit the information referred to in paragraph 1 and 2 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 XIX.

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.

4. For vessels that fish shrimp in Division 3L, each entry and exit from Division 3L shall require 24-hour prior notification to the Executive Secretary. All shrimp on board shall be reported to the Executive Secretary on entry and exit.

5. Contracting Parties shall ensure that the reports and messages transmitted between the Contracting Party and the Executive Secretary or between its fishing vessels and the Executive Secretary, shall be in accordance with the data exchange format set out in Annex X.

The sequence of messages under Article 22 and this article shall be as follows:

Report:	Code:	Remarks:
Catch on Entry	COE	6 hours in advance of the vessels entry into the Regulatory Area.
Entry	ENT	The first position report from a vessel detected to be inside the Regulatory Area.
Position	POS	Position report every 2 hours
Transshipment	TRA	As relevant
Port of Landing	POR	Report on catch onboard and weight to be landed
Catch on Exit	COX	6 hours in advance of the vessels departure from the Regulatory Area
Exit	EXI	The first position report from a vessel detected to be outside the Regulatory Area

Article 24 - Observer Program

New Paragraph 1:

1. Subject to the pilot project on Pilot Project on Observers, Satellite Tracking And Electronic Reporting, each Contracting Party shall during 2007 require that ___% of its vessels fishing in the Regulatory Area at any one time, carry at least one observer on board the vessel.

2. A Contracting Party with the number of vessels operating in the Regulatory Area which are less in number than correspond to the reduction defined in paragraph 1 shall ensure the presence of an observer on board these vessels with the same level of coverage, as specified in paragraph 1 of the total time that the vessels are present in the Regulatory Area.

3. Contracting Parties shall report annually to STACTIC on their compliance with the observer coverage level requirements. This report shall specify by vessel, the number of fishing days in the NRA, the number of those days that were observed and the number of apparent infringements identified by observers.

4. When selecting the vessels on board of which observers are to be placed, Contracting Parties shall take into account, inter alia, the history of compliance of individual vessels, as well as that of their owners and/or operators. Observers shall be rotated between all vessels and, as far as possible, a balance shall be maintained between the types of fishery in which the vessels are engaged.

5. Contracting Parties shall immediately place an observer on board any vessel flying their flag that is cited for a serious infringement as described in Article 33, unless the vessel is re-routed in accordance with Article 33. Contracting Parties with an inspection presence in the Regulatory Area shall have their inspectors confirm their vessels' infringements before the observer is placed on board.

6. ~~In order to improve and maintain compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area, all fishing vessels shall carry at least one observer at all times while fishing in the Regulatory Area.~~ Contracting Parties shall have the primary responsibility to obtain independent and impartial observers and shall take all necessary measures to **ensure that the observers they recruit have the qualifications, training and certification required to complete the duties in Paragraph 10.** Observers are not to perform duties, other than those described in paragraph ~~10, 5 and 6 below.~~ Subject to any other arrangements between the relevant Contracting Parties, ~~the salary of an observer shall be covered by the sending Contracting Party,~~ **all costs arising from the assignment of observers under this Article shall be borne by the Flag State Contracting Party of the vessel onboard which they are placed.** Contracting Parties may charge their costs, in part or in full, to the operators of their vessels.

7. Observers shall be independent and impartial and may not under any circumstances be a crew member or officer, nor have any links with the owner or crew of the vessel on board of which they are placed. An observer whose lack of impartiality has been proven shall be immediately replaced by the designating Contracting Party

8. Where a Contracting Party has not placed an observer on board a vessel and is obliged to do so, any other Contracting Party may place an observer on board subject to the consent of the Contracting Party of the vessel, until the latter provides a replacement.

9. Contracting Parties shall provide to the Executive Secretary a list of the observers they will be placing on their vessels.

10. Observers shall have no enforcement authority. Their duties shall include:

- a) collect catch and effort data for each haul **including** location (latitude/longitude), depth, time of net on the bottom, **and** catch composition, **undersized fish** and discards as outlined in the protocol developed by the Scientific Council;
- b) carry out such scientific work (for example, collecting samples) as requested by the Fisheries Commission based on the advice of the Scientific Council;

c) monitor the functioning of and reporting upon any interference with the satellite tracking system. In order to better distinguish fishing operations from steaming and to contribute to an a posteriori calibration of the signals registered by the receiving station, the observer shall maintain detailed reports on the daily activity of the vessel.

d) monitor **the** vessel's compliance with the relevant Conservation and Enforcement Measures **by**:

- (i) recording and reporting upon the fishing activities of the vessel and verifying the position of the vessel when engaged in fishing;
- (ii) observing and estimating catches with a view to identifying catch composition and monitoring discards, by-catches and the taking of undersized fish;
- (iii) recording gear type, mesh size and attachments ~~employed by the master~~; and
- (iv) verifying entries made in the logbooks (species composition and quantities, live and processed weight, hail and VMS reports).

11. In carrying out his/her duties, observers shall establish the following reports in an electronic format:

- a) a **summary report** at the end of the assignment. The VMS template described in Annex G-1 shall be used. This report should include observations on instances of possible serious violations, if any, including instances where fishing activities in the Regulatory Area are being declared as having been taken outside this Area.

The **summary report** shall be transmitted to the Contracting Party of the vessel as well as directly to the inspection authorities of the port of landing at least 30 hours in advance of the vessel's entry into port. A copy of this report shall be made available to the captain of the vessel.

- b) a **final report** within 5 days after the end of the assignment. This report shall include daily totals of catch by species and division. The final report shall be transmitted to the Executive Secretary and the Contracting Party of the vessel.

~~12. The observer shall within 30 days following completion of an assignment provide a report to the Contracting Party of the vessel and to the The Executive Secretary shall make the reports available to any Contracting Party that so requests. Copies of reports made available to other Contracting Parties shall not include location of catch in latitude and longitude as required under paragraph 10a, but shall include daily totals of catch by species and division.~~

13. Contracting Parties shall provide the observer with access to electronic equipment and other means necessary to fulfill their duties relating, in particular, to the drafting and transmission of reports by electronic means, as well as a standardised equipment kit including certified mesh gauges, scales and sampling equipment.

14. When a possible infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall, as soon as possible, communicate the details of the infringement to an inspector within 24 hours, report it to an inspection vessel using an established code, which shall report it to the Executive Secretary.

~~14. The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. Vessel masters shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties including providing access, as required, to the retained catch, and catch which is intended to be discarded.~~

New Paragraph to replace old 14

15. Master of vessels carrying observers on board shall in particular

- a) co-operate fully with the observer and ensure that all officers and crew do likewise, in order to facilitate the observer carrying out his/her tasks efficiently;
- b) provide observers appropriate accommodation, including lodging, food and adequate sanitary facilities of a standard commensurate with the status of a ship's officer;
- c) provide observers adequate space on the bridge or pilot house for clerical work, as well as work tables, scales and other equipment on deck adequate for carrying out observer duties;

- d) give observers access to all fishing gear and any other relevant equipment, including satellite navigation equipment, radar display viewing screens and electronic means of communications available on board the vessel for transmission of observer reports;
- e) give observers access to the vessel's working deck during net and fish retrieval and to any specimen, alive or dead, that is brought onboard the vessel or to be discarded;
- f) maintain a good and respectful working relationship with the observer, ensure their security and welfare in the performance of their duties and safeguard their freedom and dignity.

~~9. The elements of the Observer Program are subject to review and revision, as appropriate, for application in 2005 and subsequent years.~~

Annex A-1
Revisions to Annex X - NCEM
Format for the communication of catches and reports by fishing vessels
6) Catch Report every week

Data Element:	Code	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
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, “ CAT ” as Catch 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
Contracting Party Internal Reference Number	IR	O	Vessel registration detail; unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Relevant Area	RA	M	Activity detail; NAFO Division
Latitude	LA	M ¹	Activity detail; position at time of transmission
Longitude	LO	M ¹	Activity detail; position at time of transmission
Catches every two weeks species live weight	CA	M M	Activity detail; cumulative catch by species retained on board (exclusive of discards), either since commencement of fishing in R.A. ² or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100
Discarding species live weight	RJ	M	Activity detail; discarded catch by species, either since commencement of fishing in R.A. ² or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100
Undersize species live weight	US	M	Activity detail; undersize catch by species, either since commencement of fishing in R.A. ² or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100
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

1 Optional if a vessel is subject to satellite tracking

2 Meaning the first “Catch Report” in current fishing trip in the R.A.

Annex 9. Proposals by Russia Concerning the NCEM Improvements
(STACTIC W.P. 06/9)

1. The real joint inspection and surveillance

Due to financial difficulties some Contracting Parties are not able to provide the inspections and surveillance in the Regulatory Area using their own inspection vessels and unable to increase their own contribution for treating of Contracting Parties having inspection platforms in Regulatory Area. To achieve a real Joint inspection and surveillance it is very essential to use the experience of skilful inspectors from all Contracting Parties. It is necessary to place such inspectors on board inspection vessels of Contracting Parties having their inspection platforms in the Regulatory Area. This shall promote the objectivity of inspections and surveillance results and, in turn, this collaboration will lead to high performance and increase the responsibility of Contracting Parties.

So it is necessary to develop the mechanism of real joint inspection and surveillance mentioned in Article 25(5) of the NCEM and to work out the proper improved scheme of the cooperative inspection and surveillance.

2. The neutral designated ports for inspections (alteration to paragraph 7 Article 33)

To provide more objectivity of port inspections in the case of serious infringements it is necessary to effect a careful inspection in the neutral port, by other words, in the port of the third Contracting Party which is disinterested in the inspections results.

So each Contracting Party shall designate its own ports for inspection and shall forward the list of such ports to Executive Secretary. Each Contracting Party shall forward to Executive Secretary any subsequent changes to this list of designated inspection ports at least 15 day before they come into force. Based on this information the Executive Secretary shall establish the list of designated inspection ports and shall forward it and all subsequent changes to all Contracting Parties.

So the Article 33(7) of the NCEM must be replaced by new one:

“7. Where justified, the authorities of the Flag State Contracting Party of the vessel concerned shall, where authorised to do so, require the vessel to proceed immediately to a neutral designated inspection 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. 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.”

3. The administration of sanctions to master and officers of the fishing vessel and to shipowner in the case of serious infringements when fishing in Regulatory Area (the addition to Article 34 of the NCEM)

It is essential to work out the recommendations to Contracting Party regarding sanctions to master and officers of the fishing vessel and to shipowner in the case of serious infringements when fishing in the Regulatory Area. These recommendations must be incorporated into the Measures as an additional article or as an addition to Article 34 and may be as following:

- If the Flag State Contracting Party vessel fishing in the Regulatory Area committed a serious infringement confirmed by the port inspection the master or officers of such vessel may be disqualified by competent authorities of Contracting Party to fish in Regulatory Area for 1 year.
- If the Flag State Contracting Party vessel fishing in Regulatory Area was twice a year committed a serious infringement confirmed by port inspection the notification for such vessel may be recalled from NAFO Secretariat by competent authorities of Contracting Party.

- If two vessels of the same shipowner fishing in Regulatory Area committed a serious infringement confirmed by port inspection the notifications for all vessels of such shipowner may be recalled from NAFO Secretariat by competent authorities of Contracting Party disqualifying them to fish in the Regulatory Area for 1 year or more.

4. The addition of field OB (On Board) to “Catch on EXIT”(COX) report (the amendment to Annex X)

The existing structure of COX report not allows to obtain the real total round weight of fish by species when the vessels departure the Regulatory Area. There is only round catch retained on board by species, either since commencement of fishing in the Regulatory Area or last “Catch” report (if such “Catch” report be set up in future). In the case of loss of any oncoming catch report sent by vessel neither NAFO Secretary nor inspectors and Contracting Parties cannot know the real total weight of fish on board of the vessel leaving the Regulatory Area. Would inaccuracy happen in any oncoming catch report sent by vessels the same problem will stay also. Moreover, it is very important for inspectors to know the “On Board” information concerning transshipment vessels intended to departure the Regulatory Area. So it is necessary to add the mandatory field OB (On Board) to “Catch on EXIT” (COX) report.

For implementation of this proposal it is necessary to add the next line to table Annex X point 3 (“Catch on EXIT” report):

On Board	OB	M	Total round weight of fish by species (3-alfa code) on board upon exit the Regulatory Area in kilograms rounded to the nearest 100 kilograms. Allow several pairs of fields? Consisting of species+weight, with each field separated by a space.
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5. The implementation of the new “CANCEL”(CAN) report the amendment to AnnexX)

The reasons for implementation of the Cancel report are the following:

a). All types of reports established by Conservation and Enforcement Measures are manually composed either by captain of the vessel (MAN, COE, TRA, COX, POR, CAX reports) or by Contracting Party (NOT report) or by observer (OBR report). Because of human factor the mistakes and inaccuracies are possible in these reports. If the incorrect report was sent to NAFO Secretariat the tool to correct or cancel such report is absent now. The implementation of the “Cancel” report will give the opportunity to captain of the vessel, to Contracting Party or observer to withdrawal the incorrect report so that to send the right report after.

b). The next possible vital situations are following:

- The captain have sent the COE report in advance intending to fish in Regulatory Area. However the conditions were changed (the bad weather, another planes, etc.) and captain intends not to enter to the Regulatory Area. What to do to cancel the COE report?
- The captain have sent the COX report in advance intending to exit the Regulatory Area. However the conditions were changed (the bad weather, another planes, etc.) and captain wants not to exit the Regulatory Area and continue the fishing. What to do to cancel the COX report?
- The captain of the vessel have sent the TRA report in advance planning to off-load some species. However the conditions were changed (the bad weather, another planes, etc.) and captain decides not to off-load the species. What to do to cancel the TRA report?
- The captain of the transshipment vessel have sent the POR report in advance planning to unload some species. However the conditions were changed (the bad weather, another planes, etc.) and captain decides not to unload the species. What to do to cancel the TRA report?

The new “Cancel” report gives the opportunity to withdraw the above mentioned reports.

c). If any mandatory element of the authorized vessel have changed and Contracting Party wishes to inform the NAFO Secretary about new one there is no opportunity to make it now. It is possible to send the “Cancel” report to cancel the old notification of the vessel and then to send the new “Notification” report consisting of the new right elements.

The “Cancel” report may be necessary if Contracting Party intends to deprive the vessel to fish due to serious infringements.

The format for “Cancel” report by Fishing Vessels may be the following:

Data Element	Field Code	Mandatory/ Optional	Remarks
Start record	SR	M	System detail; indicates start 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 in current year
Type of Message	TM	M	Message detail; message type, “CAN” as Cancel 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
Master name	MA	M	Name of the master of vessel
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Cancelled report	CR	M	Message detail; the number of report to be cancelled
Latitude	LA	M ¹	Activity detail; position at time of transmission
Longitude	LO	M ¹	Activity detail; position at time of transmission
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

¹ Optional if a vessel is subject to satellite tracking

The format for “Cancel” report by Contracting Party to withdrawal the authorized vessel may be either the same as established in NEAFC or the following:

Data Element	Field Code	Mandatory/ Optional	Remarks
Start record	SR	M	System detail; indicates start record
From	FR	M	Name of transmitting Party
Address	AD	M	Message detail; destination, “XNW” for NAFO
Type of Message	TM	M	Message detail; message type, “CAN” as Cancel report
Record Number	RN	M	Message detail; message serial number in current year
Cancelled report	CR	M	Message detail; the number of message to be cancelled
Record date	RD	M	Message detail; date of transmission
Record time	RT	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

Annex 10. Proposed Amendment of CEM, Article 24 (submitted by Ukraine)
(STACTIC W.P. 06/3)

We continue our work towards the transition to the system of scientific observation, since according to our opinion, the transition to the system of Scientific Observation will result in changes of the institute of observers as it is. Therefore, we propose to amend the name of **Article 24** to ***Observer (Scientific Observer) Program*** and the text as follow:

~~“1. In order to improve and maintain compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area~~ All fishing vessels shall carry at least one observer or scientific observer at all times while fishing in the Regulatory Area. Contracting Parties shall have the primary responsibility to obtain independent and impartial observers and shall take all necessary measures to ensure that observers are able to carry out their duties. Observers are not to perform duties, other than those described in paragraphs 4, 5 and 6 below. Subject to any other arrangements between the relevant Contracting Parties, the salary of an observer shall be covered by the sending Contracting Party.

2. The main objective of Scientific Observation Program is collecting of statistical and biological data necessary for effective monitoring of the state of commercial species stocks, assessment of by-catch quality and quantity, collecting information on effectiveness of catch effort, waste control and collecting relevant information on the environmental state in the Regulatory Area.

3. The Register of scientific observers is established in the Scientific Council. The status of scientific observers shall be corroborated each 3 years. The candidates of scientific observers are put up by each Contracting Party.

4. ~~2~~

5. ~~3~~

6. ~~4~~

7. Scientific Observers shall:

a) monitor a vessel's compliance with the relevant Conservation and Enforcement Measures. In particular they shall:

(i) observe and estimate catches with a view to identifying catch composition and monitoring discards, by-catches and the taking of undersized fish;

(ii) record the gear type, mesh size and attachments employed by the master; and

(iii) verify entries made to the logbooks (species composition and quantities, live and processed weight, haul and VMS reports).

b) collect catch and effort data for each haul. This data shall include location (latitude/longitude), depth, time of net on the bottom, catch composition and discards; in particular the observer shall collect the data on discards and retained undersized fish as outlined in the protocol developed by the Scientific Council;

c) collect statistical and biological data (length distribution of fish in catch, data for defining the age of fish, data on sex correlation, etc.) necessary for monitoring of the state of commercial objects as requested by the Fisheries Commission based on the advice of the Scientific Council; and

d) monitor the functioning of and report upon any interference with the satellite tracking system. In order to better distinguish fishing operations from steaming and to contribute to an a posteriori calibration of the signals registered by the receiving station, the observer shall maintain detailed reports on the daily activity of the vessel.

8. ~~5~~

9. ~~6~~

10. ~~7~~

11. ~~8~~

”

Besides, we would like to note that the activity of observers should be standardized using well-known methods to avoid lack of consensus of data obtained from different observers. So in our opinion, it would be very useful for the Scientific Council to develop detailed instructions for data collection aboard fishing vessel, for example, as it was done in CCAMLR.

As an addition to “Observers’ Manual”, the regional finder of animal species of the Regulatory Area developed by the Scientific Council would be of great help. It would facilitate the work of scientific observers considerably.

**Annex 11. Proposal by Canada to amend Chapter IV, NCEM
Improved Follow-up to Infringements under Joint Inspection
and Surveillance Scheme (STACTIC W.P. 06/10)**

Background

Immediate and appropriate follow up to serious infringements is essential to secure evidence for further investigation and for effective control.

This proposal identifies several serious infringements under Article 33 that may require more effective follow-up to ensure that evidence related to certain serious infringements is not compromised. In particular, infringements related to the catching of moratoria species and misreporting require additional measures to ensure that masters cannot alter records/catch history or composition of product in the hold during (or after the completion of) inspections.

Once a vessel has been cited for a serious infringement, the Contracting Party flag state as well as the initial inspectors, if from another Contracting Party will review the evidence, seal the holds or otherwise secure evidence and remain with the vessel until a more detailed inspection could occur in a neutral port. This detailed inspection would verify product onboard a vessel and provide the Contracting Party flag state with evidence for follow-up, as appropriate.

Other Contracting Party Inspectors wishing to participate may attend the detailed port inspection as observing inspectors.

The following sub-articles under Article 33 – Serious Infringements, Article 34 – follow up to infringements, and Article 36 would be modified by this proposal:

Article 33 (1) – Redefining serious infringements

Article 33 (4) – Taking measures to ensure security and continuity of evidence

Article 33 (5) – Inspector remaining aboard inspected vessel

Article 33(6) – No fishing unless inspector satisfied that infringement has ceased

Article 33(7) – Proceed to port for thorough inspection

Article 34(1) – CP required to take prompt action once notified of serious infringement.

Article 36(1) – Report on infringements

Serious Infringements under Article 33 which require enhanced follow-up to ensure security of evidence related to validation of catch:

- a) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);
- b) fishing in a closed area or with gear prohibited in a specific area (Article 12);
- c) mesh size violations (Article 10);
- d) failing to record or mis-recording of catches (Article 20);
- e) fishing without a valid authorisation issued by the flag Contracting Party (Article 14);

Other infringements listed under Article 33 would follow current infringement process - inspection, contact with the Contracting Party flag state, marking/sealing of illegal gear (where appropriate), departure from vessel, and follow-up by flag state upon vessel's return to port. However, enhancements to the collection of evidence through the use of video or affidavits could be considered.

Expeditious Port Inspection Process:

Once a vessel has arrived in port as part of the serious infringement process, all efforts should be taken to conduct the inspection as expeditiously as possible in a manner that ensures Inspectors can verify catch on board.

Timely follow up by flag state and updated reports.

Follow up reports should be detailed, prescriptive, and made available publicly. Contracting Parties must ensure that status reports are provided to the Executive Secretariat every 4 months indicating whether the investigation is active, completed or no action required and reasons therefore, appeal process, or penalty imposed and forfeitures if applicable.

Follow up accountability in situation of vessel not ordered to port.

When a vessel has been cited for a serious infringement but does not proceed to a neutral port, the Contracting Party must provide written justification for this decision.

Use of photography/video evidence for other serious infringements

Photography and video evidence from the Inspecting Party should be included as part of the evidence/ investigation by the Contracting Party flag state for other serious infringements. As well, affidavits from Inspectors involved in at sea infringements should also be considered.

<i>Actual NCEM Text</i>	<i>Proposed NCEM Text</i>
<p><u>Article 33 - Serious Infringements</u></p> <p>1. The following infringements shall be considered serious:</p> <p>a) fishing on an "Others" quota without prior notification to the Executive Secretary, or more than seven working days after the notification by the Executive Secretary that fishing under an "Others" quota for that stock or species was closed (Article 3).</p> <p>b) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);</p> <p>c) directed fishing for stocks or species after the date on which the Contracting Party for the inspected vessel has notified the Executive Secretary that vessels of that party will cease a directed fishery for those stocks or species (Article 3);</p> <p>d) fishing in a closed area or with gear prohibited in a specific area (Article 12);</p> <p>e) mesh size violations (Article 10);</p> <p>f) fishing without a valid authorisation issued by the flag Contracting Party (Article 14);</p> <p>g) mis-recording of catches (Article 20);</p> <p>h) interference with the satellite monitoring system (Article 22);</p>	<p><u>Article 33 - Serious Infringements</u></p> <p>1. The following infringements shall be considered serious:</p> <p>a) fishing on an "Others" quota without prior notification to the Executive Secretary, or more than seven working days after the notification by the Executive Secretary that fishing under an "Others" quota for that stock or species was closed (Article 3).</p> <p>b) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);</p> <p>c) directed fishing for stocks or species after the date on which the Contracting Party for the inspected vessel has notified the Executive Secretary that vessels of that party will cease a directed fishery for those stocks or species (Article 3);</p> <p>d) fishing in a closed area or with gear prohibited in a specific area (Article 12);</p> <p>e) mesh size violations (Article 10);</p> <p>f) fishing without a valid authorisation issued by the flag Contracting Party (Article 14);</p> <p>g) failing to record or mis-recording of catches (Article 20) including mislabelling of product (Article 19);</p> <p>h) interference with the satellite monitoring system (Article 22);</p>

<p>i) catch communication violations (Article 23);</p> <p>j) preventing inspectors or observers from carrying out their duties (Articles 24 and 30);</p> <p>2. If an inspector cites a vessel for having committed a serious infringement as listed in paragraph 1, he shall attempt to notify an inspector of the Contracting Party for the inspected vessel or the authority designated in accordance with Article 25, paragraph 7. The master of the inspected vessel shall if needed provide the use of the vessel's communication equipment and operator for messages to be sent out and received for this purpose.</p> <p>3. The Contracting Party of the vessel shall respond without delay and shall ensure that the vessel concerned is inspected within 72 hours by an inspector authorised by that Contracting Party.</p>	<p>i) catch communication violations (Article 23);</p> <p>j) preventing inspectors or observers from carrying out their duties (Articles 24 and 30);</p> <p><i>k) falsifying or concealing the markings, identity or registration of the fishing vessel (Article 17)</i></p> <p><i>l) concealing, tampering with or destroying anything that may afford evidence of an infringement of any measure including a measure not listed in this paragraph;</i></p> <p><i>m) committing multiple infringements, including infringements of measures not listed in this paragraph, that taken together constitute a serious infringement.</i></p> <p><i>n) tampering with or interfering with evidence secured pursuant to paragraph 32.2.</i></p> <p><i>1.1 The following serious infringements may require additional action as outlined in paragraph 3 to ensure validation of catch composition on board a vessel:</i></p> <p><i>a) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);</i></p> <p><i>b) fishing in a closed area or with gear prohibited in a specific area (Article 12);</i></p> <p><i>c) mesh size violations (Article 10);</i></p> <p><i>d) failing to record or mis-recording of catches (Article 20) and mislabelling of product (Article 19);</i></p> <p><i>e) fishing without a valid authorisation issued by the flag Contracting Party (Article 14);</i></p> <p>2. If an inspector cites a vessel for having committed a serious infringement as listed in paragraph 1, he shall attempt to notify an inspector of the flag State Contracting Party or the authority designated in accordance with Article 25, paragraph 7 as soon as possible. The master of the inspected vessel shall, upon request, provide the use of the vessel's communication equipment and operator for messages to be sent out and received for this purpose.</p> <p>3. The flag State Contracting Party shall respond without delay and shall ensure that the infringement is fully investigated within 72 hours by an inspector authorised by that Contracting Party. The Contracting Party may authorise an inspector identified by any Contracting Party pursuant to</p>
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<p>4. The inspector shall take all necessary measures to ensure security and continuity of the evidence, including, as appropriate, sealing the vessel's hold for eventual port inspection. At the request of the inspector, a master shall cease all fishing which appears to the inspector to contravene the measures referred to in paragraph 1.</p> <p>5. The inspector is entitled to remain on board the vessel for the period necessary to provide information to the authorised inspector concerning the infringement. During this time, the inspector shall complete the inspection and, within a reasonable period of time, communicate with an inspector or competent authority of the Contracting Party of the inspected vessel. Following the arrival of the Contracting Party inspector, the inspector may remain aboard the inspected vessel while the Contracting Party inspector conducts an inspection, provided that the competent authority of the Contracting Party of the inspected vessel does not require the inspector to leave the vessel.</p> <p>6. As long as the inspector remains aboard, the master may not resume fishing until the inspector is reasonably satisfied, as a result of either the action taken by the vessel's master or the inspector's communication with an</p>	<p><i>Paragraph 26.1, to investigate fully on its behalf. Where the flag State Contracting Party fails to respond or no such inspector is available within 72 hours the inspecting State inspectors shall investigate fully and in the case of infringements listed in paragraph 1.1, and if the evidence warrants, the inspecting state, when authorized by the flag state, may seal the holds and direct the vessel to a neutral port designated by the flag state.</i></p> <p><i>3.1. Where the flag State does not authorise the inspector to fully investigate on its behalf and is unable to fully investigate the infringement itself at-sea, the master shall promptly bring the vessel to a port designated by the flag state for a full investigation.</i></p> <p><i>3.2. Where the flag State Contracting Party does not re-direct the vessel to a port for a full investigation, the flag state shall immediately provide to the Executive Secretary and all other Contracting Parties with an explanation for not taking this action. This explanation shall specify, in exact terms, why the vessel was not re-directed to port.</i></p> <p>4. The inspector shall take all necessary measures to ensure security and continuity of the evidence, including, as appropriate, sealing the vessel's hold for eventual port inspection. <i>Security and full and complete documentation of the evidence may require the use of video-photography or making copies of fishing documents.</i> At the request of the inspector, a master shall cease all fishing which appears to the inspector to contravene the measures listed in paragraph 1.</p> <p>5. <i>For infringements not listed in paragraph 1.1,</i> the inspector is entitled to remain on board the vessel for the period necessary to provide information to the authorised inspector concerning the infringement. During this time, the inspector shall complete the inspection and, within a reasonable period of time, communicate with an inspector or competent authority of the <i>flag State</i> Contracting Party. Following the arrival of the <i>flag State</i> Contracting Party inspector, the inspector may remain on board the inspected vessel while the <i>flag State</i> Contracting Party inspector <i>investigates</i>, provided that the <i>flag State</i> Contracting Party does not require the inspector to leave the vessel</p> <p>6. As long as the inspector remains on board, the master may not resume fishing until the inspector is reasonably satisfied, as a result of either the action taken by the vessel's master or the inspector's</p>
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<p>inspector or competent authority of the Contracting Party of the inspected vessel, that the infringement will not be repeated. However, in cases where the inspector is unable to communicate with the authority of the Contracting Party of the inspected vessel, the master may resume fishing as soon as the inspector has completed the inspection and secured evidence according to paragraph 4.</p> <p>7. Where justified, the authorities of the Flag State Contracting 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.</p> <p>8. When a vessel is required to proceed to port pursuant to paragraph 7, an inspector from another Contracting Party may board and/or remain on board the vessel as it is proceeding to port, provided that the competent authority of the Contracting Party for the inspected vessel does not require the inspector to leave the vessel.</p> <p>9. When an inspector cites a vessel for having committed a serious infringement as listed in paragraph 1, the inspector shall immediately report this to the Executive Secretary, who shall in turn immediately inform other Contracting Parties with an inspection vessel in the Convention Area.</p>	<p>communication with an inspector or competent authority of the flag State Contracting Party, that the infringement will not be repeated. However, in cases where the inspector is unable to communicate with the authority of the flag State Contracting Party, the master may resume fishing as soon as the inspector has completed the inspection and secured evidence as provided for in paragraph 4.</p> <p>7. Where a Flag State Contracting Party inspector considers that a full investigation of any infringement listed in paragraph 1 cannot be completed at sea, the master shall immediately bring the vessel to a port for a thorough investigation and in the presence of inspectors from any other Contracting Party which wishes to participate. The master shall bring 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.</p> <p>8. Where a vessel is required to proceed to port pursuant to paragraph 7, the inspector may remain on board or another inspector may board and/or remain on board the vessel as it is proceeding to port, provided that the competent authority of the Contracting Party for the inspected vessel does not require the inspector to leave the vessel.</p> <p>9. When an inspector cites a vessel for having committed a serious infringement listed in paragraph 1, the inspector shall immediately report this to the Executive Secretary, who shall in turn immediately inform other Contracting Parties with an inspection vessel in the Convention Area.</p>
<p><u>Article 34 - Follow up to Infringements</u></p> <p>1. The competent authorities of a Contracting Party notified of an infringement committed by one of its vessels shall take prompt action to conduct the investigations necessary to obtain the evidence required and, whenever possible, inspect the vessel involved. The authorities shall take immediate judicial or administrative action in the same manner as would have been the case when dealing with infringements of fisheries regulations in national waters.</p> <p>2. The competent authorities of the Contracting Party for the vessel concerned shall co-operate fully with those of</p>	<p><u>Article 34 - Follow up to Infringements</u></p> <p>1. The competent authorities of a Contracting Party notified of an infringement committed by one of its vessels shall take prompt action to conduct the investigations necessary to obtain the evidence required and, whenever possible, inspect the vessel involved. <i>The flag state authorities shall review the evidence collected and secured by all inspectors.</i> The authorities shall take immediate judicial or administrative action in the same manner as would have been the case when dealing with infringements of fisheries regulations in national waters.</p> <p>2. The competent authorities of the Flag State Contracting Party shall co-operate fully with those of</p>

<p>the Contracting Party which carried out an inspection to ensure that all evidence of the infringement is prepared and preserved in a form which facilitates judicial action.</p> <p>3. The provisions in this Chapter shall not impose any obligation on the competent authorities of a Contracting Party to give the report from a foreign inspector a higher evidentiary value than it would possess in the inspector's own country.</p> <p>4. Resistance to an inspector or failure to comply with his directions shall be treated by the Flag State of the vessel as if the inspector were an inspector of that State.</p> <p>5. In initiating the action referred to in paragraph 1, second sentence, in respect of vessels notified of an infringement, the competent authorities of the Contracting Party concerned shall seek, in accordance with relevant provisions of national law, measures that effectively deprive those responsible of the economic benefit of the infringement, or sanctions proportionate to the seriousness of such infringements, thus effectively discouraging future infringements.</p>	<p>the Contracting Party which carried out an inspection to ensure that all evidence of the infringement is prepared and preserved in a form which facilitates judicial action.</p> <p>3. The provisions in this Chapter shall not impose any obligation on the competent authorities of a Contracting Party to give the report from a foreign inspector a higher evidentiary value than it would possess in the inspector's own country.</p> <p>4. Resistance to an inspector or failure to comply with his directions shall be treated by the Flag State of the vessel as if the inspector were an inspector of that State.</p> <p>5. <i>All investigations and judicial proceedings shall be carried out expeditiously however the decision to prosecute rests with the flag state. In proceedings related to an infringement, the competent authorities of the flag State Contracting Party concerned shall seek, in accordance with relevant provisions of national law, punishment adequate in severity that effectively secures compliance and deprives those responsible of the economic benefit of the infringement. Penalties should be proportionate to the seriousness of infringements so as to effectively deter future infringements.</i></p> <p><i>Guidelines for this purpose are included as Annex.....</i></p>
<p><u>Article 35 - Treatment of Reports from Inspectors</u></p> <p>1. Contracting Parties shall consider and act on reports from inspectors of other Contracting Parties under this Scheme on the same basis as reports from its own inspectors. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report submitted by the inspector under the scheme, subject to the rules governing the admissibility of evidence in domestic courts.</p> <p><u>Article 36 - Report on Infringements</u></p> <p>1. Contracting Parties shall report to the Executive Secretary by 1 February (for the period 1 July – 31 December of the previous year) and 1 September (for the period 1 January – 30 June of the current year) each year:</p> <p>a) action taken concerning infringements notified to it by a Contracting Party. The infringements shall continue to be listed on each subsequent report until the action is</p>	<p><u>Article 35 - Treatment of Reports from Inspectors</u></p> <p>1. Contracting Parties shall consider and act on reports from inspectors of other Contracting Parties made under this Scheme on the same basis as reports from their own inspectors. Contracting Parties shall cooperate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under this scheme, subject to the rules governing the admissibility of evidence in domestic proceedings.</p> <p><u>Article 36 - Report on Infringements</u></p> <p>1. Contracting Parties shall report to the Executive Secretary by 1 February (for the period 1 July – 31 December of the previous year) and 1 September (for the period 1 January – 30 June of the current year) each year:</p> <p>a) action taken concerning infringements notified to it by <i>other Contracting Parties</i>. The infringements shall continue to be listed on each subsequent report</p>

<p>concluded under the laws of the Flag State; and</p> <p>b) differences that they consider significant between records of catches in the logbooks of vessels of the Contracting Party and inspectors' estimates of catches on board the vessels.</p> <p>2. The report referred to in paragraph 1 shall indicate the current status of the case (e.g. case pending, under appeal, still under investigation) and describe in specific terms any penalties imposed (e.g. level of fines, value of forfeited fish and/or gear, written warning given). The report shall include an explanation if no action has been taken.</p>	<p>until the action is concluded under the laws of the Flag State; and</p> <p>b) differences that they consider significant between records of catches in the logbooks of vessels of the Contracting Party and inspectors' estimates of catches on board the vessels.</p> <p><i>c) action taken concerning infringements referred to in Article 33(1)(m);</i></p> <p><i>d) for the infringements listed in Article 33 (1.1), Contracting Parties shall report every 4 months to the Executive Secretary the status of the action taken on these infringements including, the date, results or status of the investigation and associated penalties.</i></p> <p>2. The reports referred to in paragraph 1 shall indicate the current status of the case (e.g. case pending, under appeal, still under investigation) and describe in specific terms any penalties imposed (e.g. amount of fines, value of forfeited fish and/or gear, written warning given).</p>
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Annex 12. Discussion Paper from Iceland, USA, and Canada - STACTIC
Discussion Paper on Suggested Definition on fishing activity and/or fishing
 (STACTIC W.P. 06/13)

The meeting of STACTIC on 12 – 15 June 2006 agreed that the current definition of 'fishing activity' in the NCEM may not be adequate for its purposes. It was suggested that the definition of the term 'fishing' and an amendment to the term 'fishing activities' could alleviate potential misinterpretations elsewhere in the NAFO Convention or CEM.

The meeting suggested that the following amended definitions (as described below) be considered. However there is not a preference to one solution over the other or indeed whether both definitions should be taken up. While STACTIC is putting these suggestions forward for its own purposes, they may be helpful in the context of the terms used in the future work on reforming the NAFO Convention.

'Fishing' means:

- (i) the actual or attempted searching for, catching, taking, or harvesting of fishery resources;
- (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fishery resources for any purpose including scientific research;
- (iii) any operation at sea in support of, or in preparation for, any activity described in this definition, except for any operation in emergencies involving the health and safety of crew members or the safety of the vessel.

(modeled after SEAFO, 2001 and SIOFA, 2006)

'Fishing activities' means harvesting fishery resources, processing operations of fishery resources, the transshipment of fishery resources or fishery resource products, and any other activity in preparation for or related to the harvesting of fishery resources in the Regulatory Area, including:

- (i) the actual or attempted searching for, catching, taking, or harvesting of fishery resources;
- (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fishery resources for any purpose including scientific research;
- (iii) any operation at sea in support of, or in preparation for, any activity described in this definition, except for any operation in emergencies involving the health and safety of crew members or the safety of the vessel.

(adapted CEM definition of 'fishing activities' by use of 'fishery resources' rather than 'fish' and use of 'harvesting fishery resources' rather than 'fishing')

Annex 13. Electronic Observer Reports (presented by NAFO Secretariat)
(STACTIC W.P. 06/11)

At the NAFO Annual Meeting in 2004, the Fisheries Commission adopted the STACTIC recommendation that Contracting Parties make available detailed observer data (catch and effort for each haul, location (longitude and latitude), depth, time of net on bottom, catch composition and discards) to the Scientific Council by submitting them in an electronic format to the NAFO Secretariat (FC Doc. 04/17, item 11, point 8).

At the STACTIC meeting in April 2005, the Secretariat proposed a multilingual electronic form for observer reports based on the above instructions (STACTIC WP 05/5). It was agreed that a standardized bilingual format would enhance transparency and help the work of inspectors. It was concluded that further review of the format was required with possible input from Scientific Council on the required data elements. In June 2005 the Scientific Council was asked to review the forms. The Scientific Council noted that NAFO FC Doc. 03/18 contained detailed instructions of the Scientific Council regarding the scientific information to be collected by observers and that the Scientific Council had nothing to add to that. Furthermore, the Scientific Council recommended in September 2005 that the Secretariat should receive a budget to digitize the detailed information of current and past NAFO observer reports.

At the STACTIC Annual Meeting the Secretariat introduced Working Paper 05/23 (Electronic Observer Reports) that included the CCAMLR “Scientific Observer Logbook” and Scientific Observer Cruise Report” as had been requested by STACTIC at the April Meeting. To allow the secure transmission of electronic reports via email the Secretariat proposed PGP as a voluntary encryption protocol. STACTIC decided to postpone the item while awaiting information on the future of the Observer Program scheme.

At the STACFAD meeting in 2005 the requirement for electronic observer reports was discussed in conjunction with the high costs for digitization of reports in a non-tabular or paper format. STACFAD recommended that (a) Contracting Parties be urged to submit their reports in English; (b) that the electronic form be developed quickly; and (c) that the Secretariat receive the necessary funds to translate and digitize the current and past fishery reports submitted by Contracting Parties.

In view of these recommendations and adopted decisions, the Secretariat asks STACTIC to reconsider the matter. To help with the discussion, the Secretariat has revised the forms it presented to STACTIC in 2005 (see Annex 1). They now fully incorporate the stipulations by the Scientific Council adopted by Fisheries Commission in 2003 as well as the duties of observers detailed in the NAFO Conservation and Enforcement Measures (Article 24). Also, the Secretariat maintains its offer to make available a PGP encryption protocol to those Contracting Parties or flag states that require a secure transmission of electronic observer reports.

Part 1. Vessel and Gear Information and Catch and Effort Summary Table **Información del barco y captura y esfuerzo**

1.A

Vessel name:	Type of Vessel*:	Call Sign:	Country or Flag State:	Observer name:	Period of Observation:
Nombre del Barco:	Tipo de barco:	Distintivo de llamada:	País:	Nombre del Observador:	

*See CEM Annex V for fishing vessel type codes

1.B

Gear# Arte#	Gear Type* Tipo de Arte	Make Modelo	Mesh Size (mm)												Attach- ments	Grate Spacing	Straps												
			Wings			Alas			Body			Cuerpo						Lengthening Piece			Antecopo			Codend			Copo		
			High Superior	Low Inferior	Ave. Media	High Superior	Low Inferior	Ave. Media	High Superior	Low Inferior	Ave. Media	High Superior	Low Inferior	Ave. Media				High Superior	Low Inferior	Ave. Media	High Superior	Low Inferior	Ave. Media						

1.C

Catch and Effort Summary Table Capturas y Esfuerzo

NAFO Area Zona NAFO	Date Fecha	Directed Species* Especies objetivo	Gears Used ** Arte usada	# of sets or hauls # de redada	Hours fished Horas de pesca	Average Depth (m) Profundidad media (m)		Fishing Days Días de pesca
						start comienzo	end fin	

*See CEM Annex II for the 3-Alpha Species Code. **Refer to Gear # in Column 1, Table above.

NAFO Subarea																		
Species	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.

Part 2. Catch and Effort Information by Haul

				Trip Number:	
Set #	Gear #	Gear Type	Method of Estimation	Date	

Effort Information		Start	Finish
NAFO Div:	Lat.		
Effort Units:	Long.		
Comments:	Depth (m)		
	Time (UTC)		

[illegible]

*Use Conversion Factors Nominal and Product Weights.

Part 3. Length Frequency Data

Length Frequency		Trip Number:	
Species Code:		Set Number:	
Sample Type:		Measure Type:	
Meas. Convention		Total Measured:	
Sample Wt.:		Catch Weight:	
Gear Type:		Gear Number:	

sex:

sex:

Tally	#	Tally	#
0		0	
1		1	
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
0		0	
1		1	
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
0		0	
1		1	
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
0		0	
1		1	
2		2	
3		3	
4		4	

Part 4. Compliance Information

Enter observations on:

- 1) Discrepancies between logbook entries and observer's estimates.
- 2) Functioning of satellite tracking device.
- 3) Any other observation.