

NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO)



Meeting Proceedings of the General Council and Fisheries Commission for 2006/2007

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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 2007 (between 1 September 2006 and 31 August 2007). This follows a NAFO cycle of meetings starting with an Annual Meeting rather than by calendar year.

This present 2006/2007 issue is comprised of the following sections:

SECTION I contains the Report of the Working Group on NAFO Reform, 12-15 and 17 September 2006, Lunenburg Co., and Dartmouth, Nova Scotia, Canada.

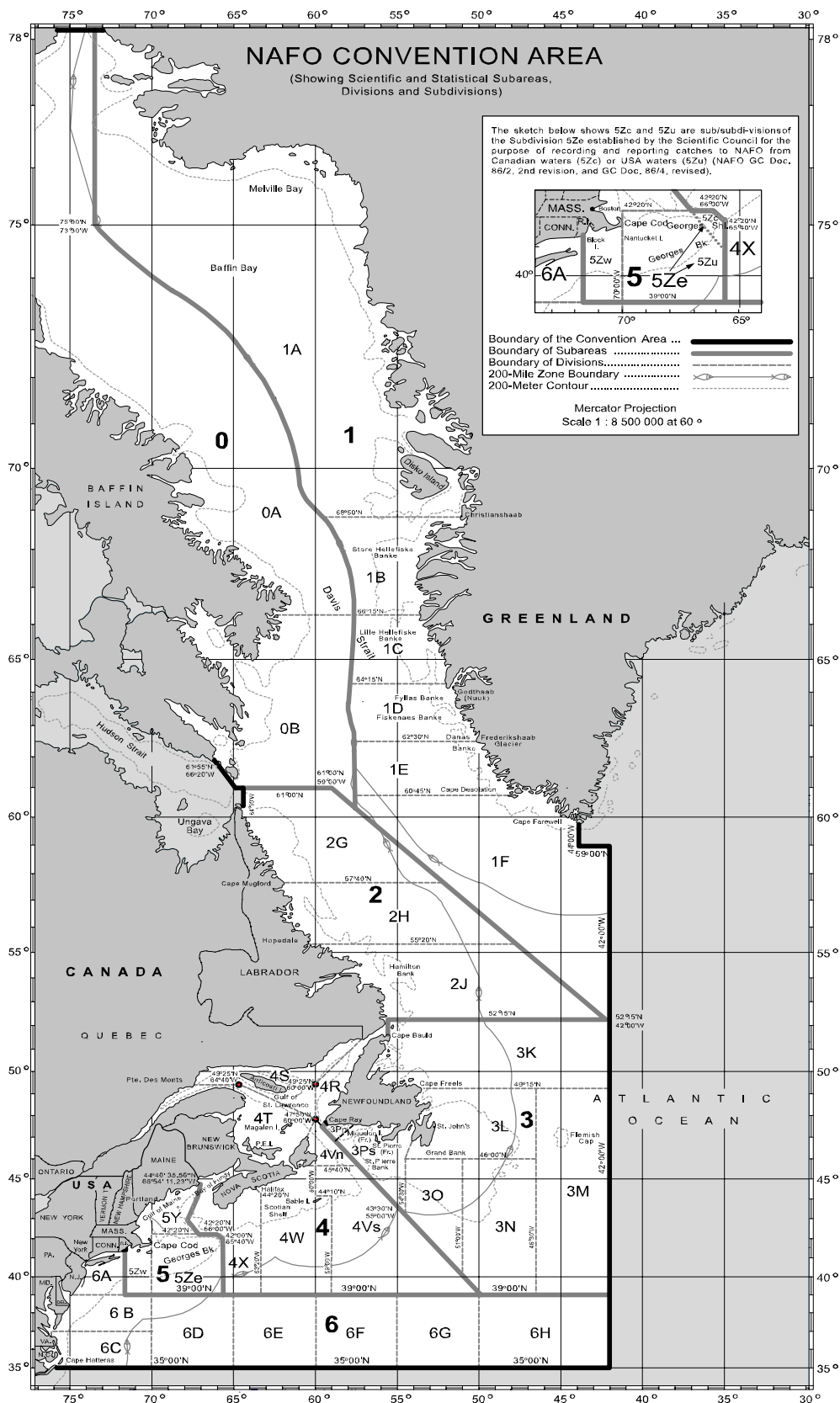
SECTION II contains the Report of the General Council including subsidiary bodies reports (STACFAD and STACFAC), 28th Annual Meeting, 18-22 September 2006, Dartmouth, Nova Scotia, Canada.

SECTION III contains the Report of the Fisheries Commission including subsidiary body (STACTIC), 28th Annual Meeting, 18-22 September 2006, Dartmouth, Nova Scotia, Canada.

SECTION IV contains the Report of the General Council, 19-20 April 2007, Montreal, Quebec, Canada.

SECTION V contains the Report of the Technical Editing Working Group (TEWG), 22-23 May 2007, Brussels, Belgium.

SECTION VI contains the Report of the Standing Committee on International Control (STACTIC), 5-7 June 2007, Gdynia, Poland.



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Structure of the Northwest Atlantic Fisheries Organization (NAFO) (as at 15 July 2007)

Contracting Parties

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	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	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> – Kate Sanderson (Denmark in respect of Faroe Islands & Greenland)

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)
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	Standing Committee on International Control (STACTIC)	<i>Chair</i> – M. Nedergaard (Denmark in respect of Faroe Islands & Greenland) <i>Vice-Chair</i> – Gene Martin (USA)

Secretariat

Executive Secretary	Johanne Fischer
Fisheries Commission Coordinator	Ricardo Federizon
Scientific Council Coordinator	Anthony Thompson
Senior Finance Officer & Staff Administrator	Stan Goodick
Senior Personal Assistant to the Executive Secretary	Bev McLoon
Senior Publication Manager	Barry Crawford
Information Manager	Barb Marshall
Fisheries Information Manager	Cindy Kerr
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SECTION I
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**Report of the Working Group on
the Reform of NAFO
12-15, 17 September 2006
Lunenburg Co., Nova Scotia, Canada**

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**Report of the Working Group on the
Reform of NAFO**
(GC Doc. 06/3)

**12-15, 17 September 2006
Lunenburg Co., Nova Scotia, Canada**

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

Delegates from all Contracting Parties except Bulgaria, Cuba, Republic of Korea and the Ukraine were in attendance. In addition, the Chairpersons of Scientific Council and STACTIC attended the meeting upon invitation of the Chairperson (Annex 1).

2. Appointment of Rapporteur.

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

3. Adoption of Agenda

As at the previous meeting of the group it was agreed that while the provisional 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 2).

**4. Responses to the issues referred to STACTIC and Scientific Council (Reform WG WP 06/16
and Reform WG WP 06/17 respectively).**

- a) First, responses by STACTIC to the questions deferred to them were discussed (Reform WG WP 06/16 [Annex 3]). The following conclusions were made:
 - The working group endorsed the recommendation from STACTIC to merge STACTIC and STACFAC. It was noted that such a merger would not require an amendment of the NAFO Convention since these subsidiary bodies are being established in the rules of procedure.
 - The Working Group endorsed the opinion of STACTIC that it would be beneficial to introduce a definition of transshipments in NAFO rules but that such a definition should appear in the Conservation and Enforcement Measures rather than in the Convention. The working Group therefore recommended that this issue be deferred to STACTIC.
 - Regarding a definition of fishing activities, STACTIC had suggested two possible definitions, one for “fishing”, another for “fishing activities”. It was tentatively agreed to introduce the definition for “fishing activities” recommended by STACTIC in the Convention.
- b) Secondly, Chair of Scientific Council presented the answers of Scientific Council to the questions deferred to them (Reform WG WP 06/17).
 - Regarding the relevance of the list of species of Annex 1 of the Convention, the SC listed 12 additional species that are currently regulated under the Convention or for which advice or scientific information has been provided by the Scientific Council. Participants decided not to discuss this issue here as they had already agreed in April that the list of species should no longer be included in the Convention but rather be part of the Financial Regulations.
 - Regarding the revisions to the Chairperson’s paper suggested by the Scientific Council it was agreed that they would be addressed by the SC Chair where appropriate during the review process of this meeting. The chairperson undertook to incorporate those that were agreeable to the Working Group in the third revision of his working paper.

5. Continuation of discussions based on the Chair's Working Paper (Reform WG WP 06/1, Revision 2)

The working group then proceeded with a detailed examination of the working paper prepared by the chairperson (Revision 2 Corr). A number of proposals for changes were discussed. Among others, a provision allowing for the elaboration of a process to develop trade related measures was agreed upon with the understanding that such measures would first and foremost address the activities of non Contracting Party vessels. Participants also touched on the need for specific provisions regarding maritime claims and whether the chairperson and vice-chairperson needed to be of different Contracting Parties. Towards the end of the meeting, the chairman presented a revised version of the working paper, which was not discussed further in detail (Revision 3 Corr [Annex 4]). Various proposals by participants are annexed to the report (Reform WG WP 06/10; Reform WG WP 06/24; Reform WG WP 06/28-page 3; Reform WG WP 06/31, Revised) (Annexes 6-9 respectively).

Outstanding issues for further consideration included:

- A proposal from Canada regarding the process for **implementing Commission decisions** (Reform WG WP 06/20 [revised][Annex 10]). This proposal was discussed at length and a discussion paper, reflecting informal consultations, was circulated (Reform WG WP 06/41 [Annex 11]) but no conclusion was reached due to lack of time.
- A proposal from the USA to change in the **calculation of the budget contribution** (Reform WG WP 06/19 [revised][Annex 12]).
- A proposal from Denmark (in respect of the Faroe Islands and Greenland) to include the term “**entity**” in Article I (Definitions) for the definitions of “Contracting Party” and “Flag State” (Reform WG WP 06/22 [Annex 13]).
- A proposal by the Scientific Council regarding a re-definition of the boundaries of NAFO Subarea 3M and 3L (referred to in Reform WG WP 06/17 [Annex 5]).
- Denmark (in respect of the Faroe Islands and Greenland) and France (in respect of St. Pierre et Miquelon) proposed that Article VI, paragraph 7 should be amended as follows: “...*the Commission shall give special consideration to the Contracting **Parties** whose coastal communities are primarily dependent on fishing for stocks related to these fishing banks and which have undertaken extensive efforts ...*”

6. Rules of Procedure for the new Commission (draft by the Chair – Reform WG WP 06/18)

There was no time to address this matter at the meeting.

7. Other matters

It was noted that the procedure for **Ratification** of amendments to the Convention it will still take a few years for many countries depending on the degree and type of the changes to the Convention proposed. It was therefore recommended that Parties agree on a provisional application after the revision of the Convention had been agreed upon by Contracting Parties. Such a provisional application has been implemented by NEAFC upon changing its Convention.

8. Report and Recommendations.

- The working group recommended that STACTIC and STACFAC be merged by incorporating the current mandate of STACFAC into the mandate of STACTIC (Annex 14).
- The Working Group also recommended that the report and the 3rd revision of the Chair's paper be submitted to the General Council.
- Some delegates mentioned that a further meeting of the Working Group of Reform might be necessary to conclude the consultations as the re-drafting of the Convention should not be rushed.

9. Adjournment

The meeting adjourned on Sunday 17 September at 10.30 am.

Annex 1. List of Participants

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NAFO SECRETARIAT

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Annex 2. Agenda

1. Opening by Chair (Staffan Ekwall, EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Responses to the issues referred to STACTIC and Scientific Council (Reform WG WP 06/16 and Reform WG WP 06/17 respectively)
5. Continuation of discussions based on the Chair's Working Paper (Reform WG WP 06/1, Revision 2)
 - Ocean management issues
 - Decision making process of NAFO
 - Dispute settlement provisions
 - Other matters pertaining to the Convention
6. Rules of Procedure for the new Commission (draft by the Chair – Reform WG WP 06/18)
7. Report and Recommendations
8. Adjournment

**Annex 3. STACTIC Response on the Issues referred to STACTIC by the NAFO
Reform WG (Adopted from the STACTIC Minutes of the June 2006 Meeting)
(Reform WG WP 06/16)**

- **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 STACTIC report states that “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”. However, concerns regarding the possible impact on membership and workload / timelines with regards to reporting to the Fisheries Commission were voiced by USA.

- **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.**

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:

- the actual or attempted searching for, catching, taking, or harvesting of fishery resources;
- 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;
- 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 4. Chair's Working Paper
(WG WP 06/1, Revision 3, Corr.)

**Convention on Cooperation in the
Northwest Atlantic Fisheries**

The CONTRACTING PARTIES,

NOTING that the coastal States of the Northwest Atlantic have established exclusive economic zones in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982, and general principles of international maritime 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 of 4 August 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 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 on 31 October 1995 and related instruments adopted by the Food and Agriculture Organization of the United Nations;

FURTHER 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;

MINDFUL that effective conservation and management measures should be based on the best available scientific advice and the precautionary approach;

COMMITTED to applying an ecosystem approach to fisheries management in the Northwest Atlantic area which includes safeguarding the marine environment, conserving its marine biodiversity, minimizing the risk of long term or irreversible adverse effects of fishing activities in the area, and taking account of the relationship between all components of the ecosystem;

FURTHER COMMITTED to responsible fisheries as well as to combat Illegal, Unreported and Unregulated (IUU) fishing activities;

HAVE AGREED as follows:

Article I – Use of Terms

1. For the purpose of this Convention, the following terms are used:
 - (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 of 4 August 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 and catadromous stocks as well as highly migratory species listed in Annex I of the 1982 Convention;
- (g) "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.
- (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 activities, including experimental or exploratory fishing activities;
- (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) "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.
- (k) "Living marine resources" means all living components of the marine ecosystems;
- (l) "Marine biological diversity" means the variability among living marine organisms and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (m) "Nationals" include both natural and legal persons;
- (n) "Port State" means any State receiving fishing vessels in their ports including port offshore terminals and other installations for, inter alia, landing, transshipping, refuelling or re-supplying;
- (o) "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;
- (p) "Regulatory Area" means the part of the Convention Area which lies beyond the areas in which Coastal States exercise fisheries jurisdiction;

Article II -Objective

The objective of this Convention is to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources occur.

Article III – General Principles

In giving effect to the objective of this Convention, Contracting Parties shall in particular:

- (a) promote the optimum utilization and long-term sustainability of fisheries resources;
- (b) base measures on the best scientific advice available and adopt measures to ensure that fishery resources are maintained at levels capable of producing maximum sustainable yield, and rebuild fishery resources to the said levels;
- (c) apply the precautionary approach in accordance with Article 6 of the 1995 Agreement;
- (d) take due account of the impact of fishing activities on other species and marine ecosystems and in doing so, adopt measures to minimize harmful impact on living marine resources and marine ecosystems;
- (e) take due account of the need to preserve marine biological diversity;
- (f) prevent or eliminate overfishing and excess fishing capacity, and ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fishery resources;
- (g) ensure that complete and accurate data concerning the fishing activities within the area of application are collected and shared in a timely manner among the Contracting Parties.
- (h) ensure effective compliance with management measures and that sanctions for any infringements are adequate in severity; and
- (i) 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 hereby agree to establish, maintain and strengthen the Northwest Atlantic Fisheries Organisation, herein “the Organization” which shall carry out its functions as set forth in this Convention in order to achieve the objective of this Convention.
2. The Organization shall consist of:
 - a) a Commission and any subsidiary bodies and sub-committees that the Commission may establish from time to time to assist it in its work;

- b) a Scientific Council and any subsidiary bodies and sub-committees that the Scientific Council may establish from time to time to assist it in its work; and
 - c) a Secretariat.
3. The Organization 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 objective. The immunities and privileges which the Organization and its officers shall enjoy in the territory of a Contracting Party shall be subject to an agreement between the Organization and the Contracting Party including, in particular, a Headquarters agreement between the Organization and the host Contracting Party.
 4. The Chairperson of the Commission shall be the President of the Organization and shall be its principal representative.
 5. The headquarters of the Organization shall be at the Halifax Regional Municipality, 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 the Organization 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) adopt proposals for conservation and management measures to achieve the objective 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 living marine resources and marine ecosystems;
 - 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; and
 - (ii) inspections of fishing vessels in ports by Contracting Parties where fishery resources originating from the Convention Area are being landed and required follow-up actions by port or flag States on the basis of evidence resulting from such inspections in accordance with Article XII and international law;

- e) develop appropriate processes in accordance with international law to assess flag States' performance with respect to implementing the obligations regarding fishing vessels flying their flag set out in this Convention, and adopt proposals if appropriate to ensure flag state performance;
 - f) adopt proposals for measures to monitor, combat and eliminate IUU fishing in the Convention Area by vessels flying the flag of non-Contracting Parties to this Convention;
 - g) supervise the organisational, administrative, financial and other internal affairs of the Organization, including the relations among its constituent bodies;
 - h) guide the Scientific Council in its work;
 - i) direct the external relations of the Organization;
 - j) approve the budget of the Organization pursuant to Article IX; and
 - k) exercise any other function as is conferred upon it by this Convention as required from time to time.
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, and other human activities and, where appropriate, on living marine resources and marine ecosystems;
 - d) develop measures for the conduct of fishing for scientific purposes; and
 - e) develop rules for the collection, submission, verification, 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 activities 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 fishing activities 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 activities on living marine resources, and the safeguarding of the ecosystem in which these resources occur.

9. The Commission, shall, when necessary, develop procedures which allow for measures including non-discriminatory trade-related measures, to be taken, consistent with the international obligations of Contracting Parties against any flag State whose fishing vessels participate in fishing activities in a manner that undermines the effectiveness of the conservation and enforcement measures adopted by the Commission.
10. The Commission shall adopt, and amend as occasion may require, its rules of procedures, financial regulations and other regulations required for the functioning of the Commission.
11. The Commission may establish such subsidiary bodies and subcommittees as it considers desirable for the exercise of its duties and functions and guide their activities.
12. The Commission shall adopt rules to provide for the participation as observers of representatives from inter-governmental organisations and non-governmental organisations to its meetings, as appropriate. The Commission shall also adopt rules to provide for the participation of representatives of non-Contracting Parties as observers to meetings of the Commission. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of the Commission, 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 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.
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 at his or her own initiative or 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 fishing activities in the Convention Area and their ecosystem, fishery resources status and their forecast including environmental and ecological factors affecting these fishing activities, 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 fishing activities in the Convention Area and their ecosystems;
 - 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. Each Contracting Party shall furnish to the Scientific Council any available statistical and scientific information required by it 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 fishing activities 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 Scientific 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, its rules of procedures.
13. The Commission may establish such subsidiary bodies and subcommittees as it considers desirable for the exercise of its duties and functions.
14. The Scientific Council shall adopt rules to provide for the participation as observers of representatives from inter-governmental organisations and non-governmental organisations to its meetings, as appropriate. The Scientific Council shall also adopt rules to provide for the participation of representatives of non-contracting Parties as observers to meetings of the Scientific Council. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of the Scientific Council, subject to the procedural rules that the Scientific Council may adopt.

Article VIII - the Secretariat

1. The Secretariat shall provide services to the Commission and the Scientific Council 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. The Commission may ask the opinion of the Scientific Council, if required.

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 the Organization its contribution.
4. Contributions shall be payable in the currency of the country in which the headquarters of the Organization 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 the Organization 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 the Organization 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 all necessary measures in order to ensure the effectiveness of the conservation, management and enforcement measures adopted by the Commission and to enforce such measures;

- (d) collect and exchange scientific, technical and statistical data pertaining to the living marine resources and their ecosystems of the Convention Area, and with respect to the fishery resources in accordance with Article 7, paragraph 6 of this Convention 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 marine resources and their ecosystem; and
 - (v) information is made available in a timely manner to fulfil the requirements of the Scientific Council and the Commission;
 - (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 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 conducting fishing activities in the Convention Area comply with the provisions of this Convention and with the conservation, management and enforcement measures adopted by the Commission.
 4. Without prejudice to the primacy of the flag State, 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 foreign flagged 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 activities 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 activities 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 activities 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 infringement by a vessel flying its flag of measures adopted by the Commission.
 5. In respect of an alleged infringement referred to in paragraph 4, each Contracting Party shall ensure that appropriate measures are taken without delay, including administrative or judicial proceedings, in accordance with its laws.
 6. Measures taken or sanctions applied pursuant to paragraph 5 by flag States in conformity with national legislation shall be adequate in severity to effectively secure compliance, discourage further infringements and deprive offenders of the benefits accruing from their illegal activities.

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 rights and the duties 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 unjustifiably discriminate in form or in fact against the fishing vessels of any State.
2. Each Port State Contracting Party shall implement the measures concerning inspections in port adopted by the Commission.
3. Nothing in this Article affects the exercise by the Contracting Party 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 two-thirds 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 shall then 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, or that the proposal or measure unjustifiably discriminates in any form or fact against it. 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 and description of alternative measures 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, hereinafter referred to as Contracting Parties to the dispute, 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 to the dispute 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 to the dispute and shall endeavour to resolve the dispute expeditiously. The panel shall present a report to the Contracting Parties to the dispute 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 to the dispute 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 procedures of the Organization.

Where a dispute has not been resolved through agreement among the Contracting Parties to the dispute following the recommendations of the *ad hoc* panel it may be referred, on request of any one of the Contracting Parties to the dispute, to a binding dispute settlement procedure as provided in paragraph 5.

4. Where the Contracting 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 to the dispute 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 to the dispute so requests, to binding dispute settlement procedures set out in Part XV of the 1982 Convention or Part VIII of the 1995 Agreement.

If binding dispute settlement procedures are invoked in accordance with this paragraph, the Contracting 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 to the dispute 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) 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 objective of the Convention as set out in Article II.

7. Provided, however:

- (1) where a Contracting 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 Contracting 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 the Organization 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 activities regulated by the Organization 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-Contracting Parties to this Convention.
- 3. Contracting Parties shall take measures consistent with this Convention and 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. The Organization shall cooperate, as appropriate, with the Food and Agriculture Organisation of the United Nations and with other specialised agencies of the United Nations and organisations on matters of mutual interests.

2. The Organization 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, the Organization shall cooperate with other relevant regional fisheries management organisations and take account of their conservation and management measures.

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 objective 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 set out in Annex II, 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 and any amendment thereof 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 IV 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 (Qasigiannnguit);

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 (Qasigiannnguit);

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 Nuuk),

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 (Paamiut 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 XV

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 Contracting 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 Contracting 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 Contracting 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 Contracting Party to the dispute 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, Contracting Parties to the dispute which are 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 Contracting Parties to the dispute 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 Contracting 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 Contracting 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 XV 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 Contracting Parties to the dispute in equal parts.

**Annex 5. Scientific Council Response on the Issues referred to SC by the NAFO Reform WG
(Extracted from the Report of the Scientific Council, June 2006)
(Reform WG WP 06/17)**

Item 5 of the Report of the Scientific Council, June 2006 reads:

5. NAFO Reform (SCS Doc. 06/21)

The "Working Group on the Reform of NAFO" has referred the following issues 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?*

The Scientific Council Chair explained that the NAFO Convention Reform process started in 2005 when General Council formed a Reform Working Group and invited its Chair to draft a proposal for a modified *NAFO Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries* (known as the *Chair's Working Paper* or *Chair's WP*) for discussion at the Montreal NAFO Reform meeting in April 2006. The *Chair's WP* is now in a second revision and was made available at the Scientific Council meeting in electronic form. The Chair asked participants to discuss those sections of the *Chair's WP* that are relevant to Scientific Council, principally *Article VII – the Scientific Council* which defines the Scientific Council and its role.

The Chair noted that the *Rules of Procedure for the Scientific Council* section in the *NAFO Rules of Procedure & Financial Regulations* (p. 23-30) could be modified by Scientific Council without the need for Fisheries Commission approval, but that discussion on this was not the purpose of this agenda item.

Scientific Council discussed the wider implications of the NAFO Reform process particularly as it related to the modern approach to fisheries management. The importance of the Ecosystem Approach to Fisheries (EAF) was outlined and it was noted that this term was not included in the *Chair's WP*, as no satisfactory single definition existed. However, the functional aspects of EAF were included as nine items listed in *Article III – Basic Principals*. It was noted that three recent ICES Documents (*ICES C.M. Doc.*, No. 2005/MCAP:03, *ICES C.M. Doc.*, No. 2006/MCAP:03 and *ICES Coop. Res. Rep.*, No. 267) were relevant to the NAFO Reform process, especially with regard to implementing the EAF in a managerial and scientific context. It was observed that Fisheries Commission was already addressing new types of questions to Scientific Council, such as the importance of corals, sea mounts, and the role of marine mammals in the ecosystem. These new questions form an extension of the current Scientific Council remit above and beyond the assessment of the fishery resource. It was noted that the scientific competence required to implement certain aspects of the EAF was not currently completely available within Scientific Council. It was suggested that Scientific Council consider working alongside or jointly with ICES, or other experienced scientific organisations, that could provide additional expertise to complement that available within the NAFO Scientific Council.

It was noted that the wording used in the *Chair's WP* should be consistent with, and was often taken from, other recently drafted or re-drafted conventions, for example CCSBT, SIOFA, CCAMLR, IATTC, NEAFC and UN Fish Stock Agreement.

It was also noted that there were items that were currently part of the *NAFO Convention*, that may be better placed in the *Rules of Procedure*.

Scientific Council nominated an *ad hoc* Working Group to review the *Chair's WP*. The working group comprised Manfred Stein (EU-Germany, Chair), Leonid Kokovkin (Russian Federation), Fred Serchuk (USA) and Bill Brodie (Canada).

The *ad hoc* Working Group produced a revised version of the *Chair's WP* (see NAFO SCS Doc. 06/21) based on the request from the "Working Group on the Reform of NAFO" as described in the four bullet points above.

There was a detailed and thorough discussion of many of the revisions made by the *ad hoc* Working Group and suggestions made by Scientific Council were incorporated. It was noted that, whereas most participants wanted the move the last sentence of Article VII.2 "*The Chairperson and Vice-Chairperson shall be from different Contracting Parties*" to the *Rules of Procedure*, there was one Contracting Party that objected to this. Russia agreed to drop this item from the text of the Convention to the Rules of Procedure only if the current text will not be changed.

Scientific Council notes the following:

1. All of the species listed in Annex 1 to the Convention still occur in the NAFO Convention Area.
2. There are several species currently regulated under the Convention - or for which advice or scientific information has been provided by the Scientific Council - that are not included on the list in Annex 1. These species include:

White hake.....	<i>Urophycis tenuis</i>
Thorny skate.....	<i>Amblyraja radiata</i>
Deepwater redfish.....	<i>Sebastes mentella</i>
Acadian redfish.....	<i>Sebastes fasciatus</i>
Greenland cod.....	<i>Gadus ogac</i>
Atlantic wolffish.....	<i>Anarhichas lupus</i>
Spotted wolffish.....	<i>Anarhichas minor</i>
Lumpsucker.....	<i>Cyclopterus lumpus</i>
Roughhead grenadier.....	<i>Macrourus berglax</i>
Roundnose grenadier.....	<i>Coryphaenoides rupestris</i>
Spiny dogfish.....	<i>Squalus acanthias</i>
Black dogfish.....	<i>Centroscyllium fabricii</i>

3. Scientific Council noted that the boundary definition of Division 3M does not include the south-western deeper part of the Flemish Cap. Certain deep-water species living on the south-western corner of the Flemish Cap are currently recorded under Division 3L. An exception has been made for shrimp by recording catches from the rectangular portion of 3L as 3M (see CEM 2006, Annex 12, Fig. 1, p. 1-8). Scientific Council **recommended** that *boundaries of Divisions 3M and 3L be re-defined so that 3M includes that small rectangle currently in 3L*.
4. The Scientific Council Chair will formally send NAFO SCS Doc. 06/21 to the Chair of the Reform Working Group and ask that the revisions contained in this document be considered for inclusion in to the new Convention.

NOTE BY THE SECRETARIAT: As SCS Doc. 06/21 with all attachments is very lengthy, the Secretariat extracted the Scientific Council's annotated copy of the Chairs Working Paper and appends it to this working paper.

(Annex 4 of SCS Doc. 06/21) Revisions to the Reform W.G. W.P. 06/1 Revision 2 (Annotated copy containing revisions by SC).

Northwest Atlantic



Fisheries Organization

Reform W.G. W.P. 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.

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.

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.

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 principals 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.

Northwest Atlantic



Fisheries Organization

Reform W.G. W.P. 06/1 Revision 2

Working Paper by the Chair

**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~~ protect 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 on living marine resources and marine ecosystems;

- (e) measures shall take due account of the need to ~~conserve~~ protect 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~~ are 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
- (i) 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~~ the Commission 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 living marine-living resources belonging to the same ecosystem or associated with or dependent upon the fishery resources subject to a directed fishery and marine ecosystems;
 - 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~~ and consult with Scientific Council as appropriate;
 - 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, and other human activities where appropriate ~~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~~ on living marine resources and marine ecosystems;

~~d) develop measures for the conduct of fishing for scientific purposes;~~

~~ed)~~ 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~~ safeguarding of the ecosystems in which ~~they~~ these resources 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 Commission~~ Commission. 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 Commission~~ Commission. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of ~~NAFO Commission~~ Commission, 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~~from 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 fishery resources of the Convention Area and their ecosystems, ~~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 fishery resources of the Convention Area and their ecosystems, ~~including environmental and ecological factors affecting these fisheries;~~
 - c) to provide scientific advice to the Commission, pursuant to paragraph 7 or on its own initiative pursuant to the objectives of Article II;
 - ~~ed)~~ to provide scientific advice to coastal States, where requested to do so pursuant to paragraph 8; and or on its own initiative pursuant to the objectives of Article II;
 - ~~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~~required 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 living marine resources and their 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 living marine resources and their conservation of the ecosystems in which they occur in waters under the fisheries jurisdiction of that Coastal State.
 9. The Commission and/or a 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 Commission or 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~~Scientific Council 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 in consultation with Scientific Council as appropriate.
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 living marine resources and their ecosystems of the Convention Area, and with respect to the fishery resources ensure that 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 marine resources and their ecosystem;
 - (v) information is made available in a timely manner to fulfil the requirements of the Scientific Council and Commission;
 - (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 and Scientific Council may invite such organisations to send observers to its meetings, or to the meetings of any of their subsidiary bodies ~~of the Organization~~. ~~The Commission~~ Commission and Scientific Council 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 and Scientific Council 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
(correct ?) maybe XV

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.

Annex 6. 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 7. Definition of “Ecosystem Approach” – Proposal by Russia
(Reform WG WP 06/24)

Ecosystem approach means a complex of interacting biological, economic and legal measures aimed at conservation of living marine resources and protection of the marine environment as a habitat of such resources.

Annex 8. Article XV – Settlement of Disputes - Proposal by the US
(Page 3 of Reform WG WP 06/28, Revised)

Annex II to the Convention – Rules concerning the panel procedure pursuant to Article XV

Strike paragraph 1 from Chair's 2nd draft.

1. The Contracting 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.

2. The *ad hoc* panel shall be chosen, pursuant to the procedure described in paragraph 3, from a list of experts nominated by each Contracting Party who are willing and able to serve as panelists. 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 the relevant qualifications and experience of each of its nominees. The Executive Secretary shall establish and maintain the list of the experts nominated by the Contracting Parties.

Strike paragraph 3 from Chair's 2nd draft.

3. No sooner than 30 days and no later than 45 days after the notification referred to in paragraph 1, the Contracting Parties to the dispute shall notify the Executive Secretary of the constitution of the panel, including the names of the panelists 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) if there are only two Contracting Parties to the dispute, the Contracting Parties to the dispute shall each select one panelist and agree on the third panelist;
- c) the third panelist shall chair the panel;
- d) the third panelist shall not be a national of either of the Contracting Parties to the dispute and shall not be of the same nationality as either of the first two panelists; and
- e) in a case where there are more than two Contracting Parties to the dispute, Contracting Parties to the dispute of the same interest shall select one panelist jointly. If the Contracting Parties to the dispute can not agree on the nomination of the third panelist, the President of the International Tribunal of the Law of the Sea shall make the appointment, unless the Contracting Parties to the dispute 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.

4. 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.

5. At the request of a Contracting 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.

6. Unless the Contracting 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.

7. 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.

8. The panel may adopt any rules of procedure, which it deems necessary to accelerate the proceedings.

9. Costs of the panel shall be borne by the Parties to the dispute in equal parts.

Annex 9. Proposal by Norway for use of term of “Fishery resources”
(ReformWG WP 06/31, Revised)

Article I

Proposal for use of term of "Fishery resources", art. I

Alt 1.

(f) “Fishery resources” refers to living components of the marine ecosystems~~living marine resources~~, with the following exceptions:

(i) sedentary species including plant life subject to the exclusive sovereign rights of Coastal States pursuant to Article 77 of the 1982 Convention;

(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;

(iii) seabirds;

(iv) sea turtles; and

(v) marine mammals in so far as they are managed by other appropriate international organizations,

Alt 2.

(f) the term “Fishery resources” applies to: Fishery resources within the Convention Area, with the following exceptions:

(i) sedentary species subject to the exclusive sovereign rights of Coastal States pursuant to Article 77 of the 1982 Convention;

(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; and

(iii) cetacean stocks managed by the International Whaling Commission or any successor organisation,

(= existing Art. 1,4 transformed to use of terms)

Alt 3:

No definition, instead move existing 1,4 under Article IV of Chairman's paper.

**Annex 10. Canadian Proposal on Decision Making, Implementation of
Commission Proposals and DSP**
(Reform WG WP 06/20, Revised)

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 twenty day period, or within thirty fifteen days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional forty twenty-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~~ The proposal shall not become a binding measure on any Contracting Party until all relevant procedures set out in paragraphs 8-11 have been concluded and the proposal has entered into force, ~~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 upon its entry into force, ~~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 is action is that the Contracting Party considers that ~~that~~ the proposal ~~or measure~~ is inconsistent with ~~of~~ the provisions of this Convention, the 1982 United Nations Convention on the Law of the Sea or the 1995 UN Fish Stocks Agreement, or that the Contracting Party can not practically comply with the proposal or measure, that the measures proposal unjustifiably discriminates in form or in fact against it, 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. It shall at the same time indicate whether pursuant to paragraph 7.~~

a) it elects to apply ad-interim the proposal of the Commission,

b) it elects to apply ad-interim the last previous measure applicable to it in respect of the matter in question, if any or

c) where no previous measure was applicable, it requests provisional measures.

6. The Executive Secretary shall ~~immediately~~ forthwith 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 and notice of election received under paragraph ~~5~~ 4.

~~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 longterm 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.~~

6. bis. At the conclusion of the time available to present an objection set out in paragraph 2, the Executive Secretary shall forthwith transmit to the Standing Review Panel constituted in accordance with Article VI, sub-paragraph 1(d)(f), all materials received pursuant to paragraph 4 relating to objections that have not been withdrawn.

7 bis. Pending the entry into force of the proposal, all Contracting Parties affected by the proposal shall apply ad-interim the proposal of the Commission, provided that any Contracting Party that has presented an objection pursuant to paragraph 2, may, as provided in paragraph 4, elect to apply the last previous measure applicable to it in respect of the proposal in question. Where no previous measure was applicable to that Contracting party, it may seek provisional measures pursuant to Annex Ibis.

8bis. The Standing Review Panel shall pursuant to procedures established in Annex Ibis, review the proposal of the Commission to determine whether the explanations provided pursuant to paragraph 4 are well founded. If the review panel finds that the explanations are well founded, it shall recommend to the Commission that the proposal be modified, amended or revoked accordingly.

9bis. (a) Subject to sub-paragraph (b), where the Standing Review Panel finds that the proposal of the Commission need not be modified, amended or revoked, the proposal shall enter into force and become a measure binding on all Contracting parties ten days from the date of communication to each Contracting Party by the Executive Secretary of its findings and recommendations;

(b) any Contracting Party that presented an objection, may within this ten day period, apply to the Fisheries Disputes Chamber of the International Tribunal for the Law of the Sea pursuant to paragraph 10(b) of Annex Ibis, for review of the Panel's findings and recommendations. Paragraph 11 shall apply mutatis mutandis;

(c) where the Fisheries Disputes Chamber finds that the proposal should be modified, amended or revoked, paragraph 10 shall apply mutatis mutandis;

(d) where the Fisheries Disputes Chamber affirms the Standing review panel's findings, the proposal shall enter into force and become a measure binding on all Contracting parties ten days from the date of communication by the Executive Secretary of the judgement to each Contracting Party.

10bis. If, however, the Standing Review Panel recommends to the Commission that the proposal be modified, amended or revoked, the Commission shall, at a special meeting convened for this purpose, modify or amend its decision in order to conform to the findings and recommendations of the review panel or it may decide to revoke the decision. Subject to paragraph 11, the decision shall, ten days thereafter, enter into force and become binding on all Contracting parties.

11bis. (a) Any Contracting Party that considers that a decision taken by the Commission to modify or amend the proposal pursuant to paragraph 10 does not conform with the findings and recommendations of the review panel, may within ten days, refer the matter for final decision to the Fisheries Disputes Chamber of the International Tribunal for the Law of the Sea whether or not the Contracting Party is a party to Convention or the Agreement. Any Contracting Party may participate in proceedings pursuant to this paragraph before the International Tribunal for the Law of the Sea whether or not it is a party to the Convention or the Agreement.

(b) The Fisheries Chamber of the International Tribunal for the Law of the Sea shall, in so far as possible, deal with the matter on an expedited basis.

(c) Pending the judgment of the Fisheries Chamber, the Contracting Parties shall continue to apply paragraph 7.

(d) Where the Fisheries Chamber finds that the decision of the Commission taken pursuant to paragraph 10 conforms to the recommendations of the review panel, the decision of the Commission shall, ten days following its transmittal by the Executive Secretary to each Contracting Party, enter into force and become a measure binding on all Contracting Parties. Where, however, the Fisheries Chamber finds that the decision of the Commission taken pursuant to paragraph 10 does not conform to the recommendations of the Standing Review Panel, it may substitute its own judgment for the proposal of the Commission. The judgment of the Fisheries Chamber shall be final and binding on all Contracting Parties and shall enter into force and become a measure binding on all Contracting Parties ten days following its transmittal by the Executive Secretary to each Contracting Party.

Canadian Comments on its proposed Decision Making Text

- Builds on the second version of the Chairman's text
- Includes objection procedure as per current convention, but shortens the time for other parties to object subsequent to an initial objection.
- A key feature of the SEAFO model that we liked was that of an objective panel being able to review unilateral measures. We also like the fact that the Commission remains the ultimate decision-making body
- We propose a system whereby an objection to a proposal is reviewed by a panel PRIOR to being reconsidered by the Commission, rather than after in the SEAFO model.
- Our proposal outlines how an Standing review panel, elected by the Commission, can be established so that it can quickly hear the differences of view between a Contracting Party and the Commission, as well as provide interim measures as needed.
- Important to note that, in this proposal, as in other models, the Commission remains the final decision-making body.
- In order to safeguard against a poor panel decision, or a situation where the Commission does not apply the Panel's recommendations, recourse is available to the Fisheries Disputes Chamber of the International Tribunal for the Law of the Sea, which can impose a binding measure.
- In reviewing this proposal, the following questions should be kept in mind:

- What is the nature of objections? In our view, an objection should be launched by a contracting party in response to a proposal from the Commission. This is no different from the existing NAFO Convention. However, we differentiate objections from disputes, which are between or among contracting parties, and not with the Commission.
- Are proposals adopted by the Commission allowed to be ignored? Currently, they are – we have no means of resolving proposals that are being objected to. The Standing Review Panel process would end this situation.
- What measures should apply while the decision-making process unwinds? All NAFO Parties have ratified either UNCLOS and/or UNFA, which oblige us to cooperate. In Canada's view, unilateral behaviour is uncooperative by nature, and a frequent source of disputes. Further, we believe it undermines the integrity of the Commission itself.
- Our proposal ensures an interim process that is fair to all – both the objecting party, the collective interests of members and the conservation of the stocks.
- The final question is: What are the safeguards for an objecting party? There are three in our proposal: 1) the ability to seek independent provisional measures, 2) the ability to appeal an adverse finding by the panel and 3) the ability to test the Commission's implementation of the recommendations through an international tribunal.
- What are the advantages of our proposal? It is efficient in terms of time and cost. It gives parties that object to a proposal the opportunity for a fair and impartial hearing. Finally, it distinguishes objections from disputes, which strengthens the integrity of NAFO as an organization.

Decision Making Concept Paper – Canada

Decision Making Procedures

Decisions regarding conservation and management measures including TACs and quotas can be made by consensus or majority, or combination thereof, depending on the issue. Where there are fundamental disagreements among parties, consensus can lead to deadlock and paralysis. On the other hand, majority voting can override the interests of one or more parties. Assuming decisions by majority vote, the following proposal seeks to protect the interests of any Contracting Party (CP) that may be outvoted on Commission proposals and whose fundamental interests may be prejudiced if the proposal becomes a measure binding. To achieve an effective decision making process, fundamental interests of each CP must be protected to the greatest extent while ensuring the long term sustainable use of the stocks and respect for the applicable law.

Standing Review Panel (SRP)

An effective way to do this is to provide for impartial review of any Commission proposal: is it consistent with the NAFO Convention, UNCLOS or UNFA (in relation to a straddling stock)? Does it unjustifiably discriminate in form or fact against one or more Contracting Parties? The burden should be on a Contracting Party to establish that a proposal fails to meet these standards.

For this purpose, a Standing Review Panel, elected for a set term by the new Commission, to make recommendation related to objections, would in open hearings consider submissions by any Contracting Party that may wish to have its views on the issues in question considered. Canada proposes that in order to save time and build expertise, NAFO establish a Standing Review Panel to which any objections remaining at the close of the period for making objections would be automatically referred. This could provide the most expeditious timelines.

Any Member would have the opportunity to participate in proceedings. The panel would operate pursuant to established rules of procedure and would have the jurisdiction to:

1. dismiss the objection, thereby upholding the impugned proposal; or

2. uphold the objection in whole or in part and recommend measures to the Commission to address the problem raised by the objection.

Where the panel sides with a Contracting Party and recommends modification of a proposal, the Commission would meet in special session to implement the decision.

Judicial Review

Where, the Standing Review Panel upholds the proposal, it would quickly enter into force and become a binding measure. However, a contracting Party that considers that the panel erred in fact or in law could apply to the Fisheries Disputes Chamber of the International Tribunal for the Law of the Sea (FDC), described below, for review of the panel decision on either or both of those grounds. If the FDC agrees with the Contracting Party applicant, FDC findings and recommendations would be substituted for those of the SRP. Otherwise, the proposal would become binding.

Provisional Measures: standards

What measures would apply until the challenge is settled? Article 41 of the Statute of the International Court of Justice provides that the Court has the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party to a dispute. Article 290 of the 1982 UN Convention on the Law of the Sea (UNCLOS), provides that provisional measures can be prescribed to preserve the respective rights of the parties or prevent serious harm to the marine environment. Similarly, Article 31.2 of the Straddling Stocks Agreement, provides for the possibility of provisional measures to “preserve the respective rights of the parties to the dispute or to prevent damage to the stocks in question”. This seems the appropriate standard. Preserving the respective rights of all CPs that might be affected by the actions of a member that objects to a Commission proposal must be one key consideration in determining provisional measures. Ensuring the conservation of the stocks concerned must be the other.

Provisional Measures: options

The Commission proposal would apply to all Contracting Parties including any that objected. However, any objecting CP would have the option of electing the last measure that applied to it in respect of the proposal in question or, where no such measure exists, it can seek provisional measures from the SRP.

This makes sense from a legal perspective if we agree that there is a presumption that the Commission proposal, supported by a majority of CPs is correct unless and until overturned or modified as a result of a successful objection. However, an objecting CP might feel more comfortable if it could opt for the last measure binding on it. Finally, where no such measure exists, the objecting CP could request provisional measures. (Usually provisional measures are sought where a resolution of the dispute is expected to take a long time). We propose that the Standing Review Panel have the power to prescribe provisional measures upon application by an objecting CP. Any CP would be able to make submissions in response to what the objecting CP is requesting. The SRP may prescribe provisional measures applicable to all CPs.

Fisheries Disputes Chamber of the International Tribunal for the Law of the Sea (ITLOS-FDC)

If the objecting CP is successful at the SRP, once the Commission implements the SRP’s final award, any Member could seek a review of the Commission’s implementing decision on the ground that it does not accurately or appropriately implement the recommendation of the panel. A potentially expeditious and low cost forum to conduct such a review (in addition to the judicial review of SRP findings against an objection, described above) would be the Fisheries Disputes Chamber of ITLOS, whose membership is elected by UNCLOS parties, and consists of 7 eminent international jurists who are experts in international fisheries law.

Any CP would have the right to participate whether or not it is an UNFA or UNCLOS party. FDC decisions would be final and binding on all CPs and would, if the challenge succeeds, bring **finality** to the matter by substituting the FDC decision for that of the Commission. To be clear, the FDC would have no jurisdiction to revisit the SRP recommendations. It would only consider whether the new Commission measure appropriately implements either

the SRP recommendations, or, in case of prior FDC review of the SRP recommendation, its own prior recommendations.

Costs

The fairest way to apportion the costs of the proceedings would be as follows:

1. Each CP bears his own “internal” costs of participating in a challenge or before the SRP or FDC.
2. An unsuccessful CP objector would bear the costs of the SRP and FDC (if any). This would discourage objections that are not well founded.
3. Where the objection is successful, the organization would foot the bill. NAFO would establish a budget item for covering the costs of proceedings where a Commission proposal is modified or repealed. This would provide an incentive for the Commission when formulating proposals to take into account the long term sustainable use of the stocks and the respective interests of each CP.

Annex 11. Discussion Paper Reflecting Informal Consultations
(Reform WG WP 06/41)

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 twenty day period, or within thirty fifteen days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional forty twenty-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 then become a binding measure on such a Contracting Party.

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 ~~is~~ action is that the Contracting Party considers that the proposal or measure is inconsistent ~~of~~ with the provisions of this Convention, ~~that the Contracting Party can not practically comply with the proposal or measure, that the measure unjustifiably discriminates in form or in fact against the Contracting party or whether other circumstances apply or that the proposal or measure unjustifiably discriminates in form or in fact against it.~~ 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 Article II.~~

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~~ 2 and 3;
- 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 and description of alternative measures 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 may decide, on the basis of a majority mail vote, to convene an ad hoc expert Panel in accordance with Annex II. Notwithstanding the results of the mail vote, any Contracting Party other than the objecting Contracting Party may

request a meeting of the Commission to review the proposal or measure of the Commission and the alternative measures.

~~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 longterm sustainability of the stocks of the fishery resources covered by this Convention will be undermined in the absence of such measures.~~

8. Any ad hoc expert Panel established pursuant to paragraph 7 shall review the alternative measures and the proposal or measure of the Commission and make recommendations to the Commission on:

(a) whether the alternative measures proposed in paragraph 5 are in accordance with Article II and preserve the rights of all Contracting Parties, and

(b) whether the explanation pursuant to paragraph 5 is well founded, and whether the proposal or measure of the Commission should be maintained, modified, amended or revoked.

9. Following the procedures set out in paragraph 8, the Commission shall promptly meet, to consider the recommendations of the ad hoc panel.

~~9. 10. 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.~~

Addition to Annex II

11. In relation to the ad hoc Panel established pursuant to Article XIV, paragraphs 7 and 10, the Parties shall be deemed to be the Commission and the objecting Contracting Party and the provisions of this Annex shall apply, with the exception of paragraphs 3 and 4(e).

Annex 12. Proposal by the United States Regarding Calculations of Budget Contributions
(Reform WG WP 06/19 Revised)

- Amendment to Article IX – Budget:
2. The Commission shall establish the contributions dues from each Contracting Party under the annual budget on the following basis:
- a) One-third of the budget shall be divided equally among all the Contracting Parties; and
 - b) Two-thirds 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.

- Amendment to the List of Stocks used to determine nominal catches, currently in Appendix I; proposed to be moved to the Financial Regulations:

Delete from the list:

Atlantic herring	<i>Clupea harengus</i>
Atlantic mackerel	<i>Scomber scombrus</i>
Atlantic butterfish	<i>Peprilus triacanthus</i>
River Herring (alewife)	<i>Alosa pseudoharengus</i>
Long-finned squid	<i>Loligo pealei</i>

Add to the list:

White hake	<i>Urophycis tenuis</i>
Skates	<i>Raja</i> sp.
Deepwater redfish	<i>Sebastes mentella</i>
Acadian redfish	<i>Sebastes fasciatus</i>

	1/3 (All)	2/3 (CA Catch)	Total
Canada	\$37,477.72	\$410,550.01	\$448,027.74
Cuba	\$37,477.72	\$1,422.78	\$38,900.50
DFG	\$37,477.72	\$230,893.99	\$268,371.71
EU	\$37,477.72	\$84,333.58	\$121,811.30
France (SPM)	\$37,477.72	\$7,205.86	\$44,683.58
Iceland	\$37,477.72	\$9,691.25	\$47,168.98
Japan	\$37,477.72	\$2,459.85	\$39,937.57
Korea	\$37,477.72	\$0.00	\$37,477.72
Norway	\$37,477.72	\$15,875.37	\$53,353.09
Russia	\$37,477.72	\$27,238.45	\$64,716.17
Ukraine	\$37,477.72	\$739.49	\$38,217.21
USA	\$37,477.72	\$109,054.70	\$146,532.42
Total			\$1,349,198.00

Annex 13. Proposal from DFG
(Reform WG WP 06/22)

• **Reform W.G. W.P. 06/1 Revision 2 – Chair’s Working Paper**

Article I – Definitions

1. For the purpose of this Convention, the following definitions apply:

(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;

(f) “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;

• **Proposal from DFG for new wording:**

Article I – Definitions

(d) “Contracting Party” means any State **[entity]** or regional economic integration organisation which has consented to be bound by this Convention, and for which the convention is in force

(f) “Flag State” means, unless otherwise indicated:

- (i) a state **[or entity]** 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;

Explanatory note

- Reference is made to UNCLOS Article 1, paragraph 2, 1) and 2); Article 305, paragraphs 1 c), d) and e); and Article 307. (see reverse side).
- Other Regional Fisheries Management Organisation with provision for the full participation of entities other than states include WCPFC, ICCAT and CCSBT.
- This proposal is put forward with a view to possible future participation by the Faroes and Greenland as separate entities in the light of their status as distinct fisheries jurisdictions with competence over the matters governed by the NAFO Convention, including the competence to enter into treaties in respect of those matters.

UN CONVENTION ON THE LAW OF THE SEA (UNCLOS) 1982:

Article 1 Use of terms and scope

Paragraph 2

(1) States Parties means States which have consented to be bound by this Convention and for which this Convention is in force.

(2) This Convention applies *mutatis mutandis* to the entities referred to in Article 305 paragraph 1 b), c), d), e) and f) which become Parties to this Convention in accordance with the conditions relevant to each, and to that extent "States Parties" refers to those entities.

Article 305 Signature

Paragraph 1. This Convention shall be open for signature by:

- (a) all States;
- (b) Namibia, represented by the United Nations Council for Namibia;
- (c) all self-governing associated States which have chosen that status in an act of self-determination supervised and approved by the United Nations in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;
- (d) all self-governing associated States which, in accordance with their respective instruments of association, have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;
- (e) all territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;
- (f) international organizations, in accordance with Annex IX.

Article 307 Accession

This Convention shall remain open for accession by States and the other entities referred to in Article 305. [...] The instruments of accession shall be deposited with the Secretary-General of the United Nations.

FISH STOCKS AGREEMENT (UNFA), 1995

Article 1 Use of terms and scope

1. For the purposes of this Agreement:
2. (a) "States Parties" means States which have consented to be bound by this Agreement and for which the Agreement is in force.
 (b) This Agreement applies *mutatis mutandis*:
 (i) to any entity referred to in article 305, paragraph 1 (c), (d) and (e), of the Convention and
 (ii) subject to article 47, to any entity referred to as an "international organization" in Annex IX, article 1, of the Convention which becomes a Party to this Agreement, and to that extent "States Parties" refers to those entities.
3. This Agreement applies *mutatis mutandis* to other fishing entities whose vessels fish on the high seas.

Article 39 Accession

This Agreement shall remain open for accession by other States and the entities referred to in Article 1, paragraph 2 b). The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Annex 14. Proposal for Amendment of the Rules of Procedure
(GC Working Paper 06/3)

The following rule should be deleted:

Rules of Procedure – General Council

Rule 5.2

~~5.2 There shall be a Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) including one representative from each Contracting Party that wishes to participate, who may be assisted by experts and advisers, and which shall:~~

- ~~a. obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;~~
- ~~b. obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;~~
- ~~c. examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties; and~~
- ~~d. recommend to the General Council measures to resolve the problem.~~

The following paragraphs should be added to:

Rules of Procedure – Fisheries Commission

Rule 5.1

- j) obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
- k) obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
- l) examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties; and
- j- m) make appropriate recommendations to the Fisheries Commission.

SECTION II
(pages 79 to 154)

**Report of the General Council and its Subsidiary Bodies
(STACFAD and STACFAC), 28th Annual Meeting
18-22 September 2006
Dartmouth, Nova Scotia, Canada**

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PART I

Report of the General Council Meeting (GC Doc. 06/6)

28th Annual Meeting, September 18-22, 2006
Dartmouth, Nova Scotia, Canada

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

1. Opening by the Chair

The Meeting was opened by the Chair of the General Council, David Bevan (Canada). (Annex 1) The Representatives of eleven Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), 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 2). The Heads of Delegations from the European Union, Canada, USA, Denmark (in respect of Faroe Islands and Greenland), France (in respect of St. Pierre et Miquelon), Republic of Korea, Russia, Japan, Ukraine, and Iceland addressed the General Council with their opening statements (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 had 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) and NAMMCO by Ms. Kate Sanderson (Denmark in respect of Faroe Islands and Greenland). A statement to the General Council by the FAO observer is attached (Annex 14).

An application for observer status from the World Wildlife Fund (WWF) was received by the Executive Secretary which was granted pursuant to Rule 9 of the Rules of Procedure. Ms. Andrea Carew from WWF Canada gave a statement at the beginning and the end of the meeting. (Annex 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 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, no additional session was declared to be open for media attendance. Journalists from a TV station in St. Pierre et Miquelon were accredited to this meeting and were present for the reception hosted by France in respect of St. Pierre et Miquelon in celebration of their 10th anniversary at NAFO.

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

STACFAD was asked to proceed with their deliberations as outlined in their agenda.

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

STACFAC was asked to include the elaboration of a NAFO IUU List as its agenda item 6b).

II. New Initiatives (*Agenda item 8*)

8. Reform of NAFO

The Chair of the Working Group on Reform summarized the results of the two meetings of this group in April (GC Doc 06/1) and in September (GC Doc 06/3). He concluded that the group had come very close to an overall agreement on an amended Convention text and that only a few matters were still outstanding as outlined in the September report of the meeting.

The WG on Reform had proposed that STACFAC should be incorporated into STACTIC and both committees agreed. General Council decided to approve this merger. It was noted that this decision entailed a change of the Rules of Procedure and a proposal in this respect put forward by the Working Group on Reform was adopted (GC WP 06/3). It was noted that this merger also required adaptations of the Conservation and Enforcement Measures. The Executive Secretary was asked to update these Rules and Measures accordingly. Also, General Council decided that for the time being, the new STACTIC should report to a joint meeting of General Council and Fisheries Commission.

The outstanding issues identified by the Working Group on Reform were addressed by the General Council (with the understanding that all amendments of the Convention constitute a package and that nothing is formally agreed until all elements have been agreed upon):

- a) Regarding some details of a **decision making process** for the new Commission that the Working Group on Reform could not fully resolve, discussions and consultations during the Annual Meeting concluded that GC Working Paper 06/6 (Annex 17) could constitute an agreeable text of the amended Convention.
- b) Contracting Parties discussed a possible change of formula for **budget contributions** but long discussions and consultations did not result in an agreement during the meeting. Canada was asked to draft a new proposal, based on guiding principles, in close cooperation with other Contracting Parties that could be used as a basis for future discussions.
- c) General Council concluded a new text for Article VI, Paragraph 7 (GC WP 06/7) (Annex 18) of the amended Convention (as drafted by the Chair of the Working Group on Reform) could constitute an agreeable text of an amended Convention. This new text provides that the Commission will take into account the interests of the relevant Coastal States when deciding on **allocation of catches**.
- d) General Council could not agree to **re-define the boundaries of NAFO Subareas 3M and 3L** as proposed by Scientific Council.
- e) General Council could not fully resolve the question whether the term “**entity**” should be used in the amended Convention when defining “Contracting Party” and “Flag State”. Russia had voiced concerns and requires internal consultations to come to a final conclusion with regard to this matter.

Delegates then agreed that an intersessional meeting of General Council would be necessary to find a new formula for calculating budget contributions, to discuss some concerns of the Scientific Council (SC Working Paper 06/35), to decide whether or not to include the term “entity” in the new Convention, and to agree on any other Convention-related issues that might still be identified. After such a meeting it is foreseen that technical editing of the amended Convention text will ensure that a final draft can be presented to the next Annual Meeting in 2007 for adoption.

General Council also discussed in conjunction with Fisheries Commission a number of reform-related matters regarding the future NAFO Monitoring, Control and Surveillance scheme. Decisions taken for such matters are reported in the Fisheries Commission proceedings.

III. Supervision and Coordination of the Organizational, Administrative and other Internal Affairs (*Agenda items 9-13*)

9. Review of Membership

The membership of the General Council and Scientific Council is currently thirteen (13) Contracting Parties, and Fisheries Commission has twelve (12) members.

Notification of Bulgaria's withdrawal from the Convention (effective 31 December 2006) was circulated by the Depositary (Canada) to the Diplomatic Missions concerned and the NAFO Secretariat on 28 June 2006 (Circulation Note No. JLAB-0040). A letter was then circulated by the Executive Secretary to all Contracting Parties on 12 July 2006 (GFS/06-291).

Regarding the right of casting votes and presenting objections (Convention, Article XVI.9) the Executive Secretary stated that two Contracting Parties had not or only partially paid their contributions in 2005 and 2006 and were therefore in danger of losing their rights in 2007 if sufficient payment is not received by December 2006. General Council clarified at this meeting that partial payments will be treated as non-payment for the purpose of voting rights. Therefore, a Contracting Party that has not paid fully for two consecutive years loses its voting rights. This decision will not affect the voting rights of present Contracting Parties as the two consecutive years are not over yet.

10. 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 (GC Doc. 06/2, Revised) was adopted by the General Council.

11. Progress Report of the Secretariat

The Executive Secretary presented a status report of the Secretariat (GC WP 06/4). She stated that in comparison with the early 2000s, the services rendered by the Secretariat were increased and that modern communication and information technologies were implemented. This development went hand in hand with a new structure of the Secretariat including new job descriptions and a human resources strategy based on transparency, team work, and enhanced participation. She showed that in spite of the expansion of services and the introduction of a VMS in 2001, it had been possible to reduce the overall NAFO expenses since 2006.

12. Review and adoption of the new contract for the Executive Secretary

The new contract of the Executive Secretary was reviewed and adopted.

13. Any matters regarding Staff Rules

This item was deferred to STACFAD.

IV. Coordination of External Affairs (*Agenda items 14-15*)

14. Report of the Executive Secretary on Meetings of FIRMS and CWP

The Executive Secretary briefly reported on the meetings of CWP and FIRMS in 2006 (GC WP 06/2).

15. a) United Nations General Assembly

General Council supported the recommendations of the UN Review Conference in May 2006 and the resolution of UNGA 59/25 on Sustainable Fisheries and expressed its intention to incorporate these UN recommendations in the MCS scheme of NAFO. This is reflected in the updated MCS regulations as documented in the Fisheries Commission report.

b) NAMMCO

Under this agenda item General Council noted that NAFO has for several years had formal observer relations with the North Atlantic Marine Mammal Commission (NAMMCO), which includes the regular participation of representatives from both organizations at their respective annual meetings and the exchange of information on relevant activities. With reference to Fisheries Commission discussions related to ecosystem considerations, the General Council agreed to encourage the Scientific Council to explore formal working relations with the NAMMCO Scientific Committee in addressing requests for advice and information on issues related to the role of marine mammals in the ecosystem.

V. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (*Agenda items 16-17*)

16. Consideration of NCP Activity in the NRA and agreement on the task of STACFAC at the current meeting

This item was addressed under agenda item 7.

17. Report of STACFAC at the Annual Meeting and decision on actions

STACFAC Chair Gene Martin (USA) presented the recommendations of this Committee to the General Council:

- a) the five vessels listed in the Provisional List be moved to the IUU List as presented in Annex 4 of STACFAC report;
- b) a letter (annex 6 of STACFAC Report) signed by the President of NAFO be sent to Georgia to inform the authorities of the inclusion of the five vessels in the IUU List;
- c) the General Council review and adopt the proposed amendments to 46.3, 47.5 and, if necessary, 48 a) of the CEM (listed under agenda item 6bis of STACFAC report);
- d) the General Council review and adopt the proposed amendments of the CEM as listed in Annex 5 of STACFAC report;
- e) amendments to the Rules of Procedures and the CEM be adopted to reflect the merging of STACFAC and STACTIC;
- f) the General Council review and approve the recommendations made to the Secretariat as listed under agenda item 6bis of STACFAC Report;
- g) the Secretariat report to the next STACTIC meeting the feasibility of obtaining access to the Lloyds Registry and the advantages of such access;
- h) the General Council review and adopt the proposed amendments of the CEM as listed in Annex 9 of STACFAC report, provided bracketed text is resolved.

All recommendations were adopted, some with minor revisions. Regarding Annex 9 to the STACFAC report, General Council agreed to accept the text including the bracketed text and, in the case of two brackets, the bolded text.

VI. Finance (*Agenda items 18-19*)

18. Report of STACFAD at the Annual Meeting and decision on actions

STACFAD Chair Fred Kingston (EU) presented the recommendations of this Committee to the General Council:

- a) STACFAD recommended that the accounting policy for uncollectible accounts be that an allowance for uncollectible accounts be recorded for contributions that are two payments in arrears.
- b) STACFAD recommended that the 2005 Auditor's Report be adopted.
- c) STACFAD recommended that Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.
- d) Because Bulgaria will no longer be a Contracting Party of NAFO next year, STACFAD recommended that the outstanding contribution from Bulgaria (\$30,419) be deemed uncollectible and that this amount be applied against the accumulated surplus.
- e) In addition, STACFAD recommended that outstanding contributions from Ukraine (\$31,175) and USA (\$86,368) for the year 2005 should also be deemed uncollectible at the end of the current fiscal year if payments are not received by 31 December 2006.
- f) STACFAD was of the opinion that the current cash flow situation be considered an emergency in accordance with Rule 4.4 of the Financial Regulations. As a consequence, STACFAD recommended that an amount representing 20% of the proposed 2007 budget, namely \$291,800, be maintained as the minimum balance in the Accumulated Surplus Account. STACFAD stresses that this extraordinary recommendation be considered as an interim measure pending the resolution of the current financial situation.
- g) 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 2007.
- h) STACFAD recommended amending Rule 9.5a) of the Staff Rules to read: "In the event of separation from service with the Secretariat, members of the Secretariat 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;" STACFAD could not come to a consensus on the issue of eliminating Staff Rule 9.5 (b) and (c) in conjunction with the Executive Secretary's proposal for a repatriation grant and deferred these items to the next Annual Meeting.
- i) STACFAD recommended that a new rule be included in the NAFO Staff Rules as follows: "The Executive Secretary may appoint a Coordinator to be the Deputy Executive Secretary for the term of one or two years (renewable). This appointment will be compensated with 10% of the Coordinator's annual salary." However, the implementation of this rule should be deferred until the financial crisis has been overcome.
- j) STACFAD recommended that Staff Rule 8.6 e) be amended as follows: "An installation allowance of up to two months net salary plus up to two months salary advance to be repaid within one year without interest in the case of internationally relocating members of the Secretariat".
- k) STACFAD recommended the reclassification of the position of "Personal Assistant to the Executive Secretary" to "Senior Personal Assistant to the Executive Secretary" take effect on 1 January 2007.
- l) STACFAD recommended that General Council commit to fully funding any necessary expenses related to a possible change of the VMS service provider pending a STACTIC evaluation of tenders.
- m) STACFAD also recommended that General Council urge Fisheries Commission to base its decision not only on technical specifications but to also ensure that financial considerations are taken into account.
- n) STACFAD recommended that that costs associated with delegation rooms during NAFO Meetings should be the responsibility of the individual Contracting Party, not the Organization.
- o) STACFAD recommended that the budget for 2007 of \$ 1,459,000 be adopted.

- p) STACFAD recommended that General Council appoint the three Staff Committee nominees. (Jim Baird, Bill Brodie, Fred Kingston).
- q) STACFAD recommended that 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 September - 1 October
- General Council - 22 - 26 September
- Fisheries Commission - 22 - 26 September

The dates of the 2009 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 - 21 - 25 September
- General Council - 21 - 25 September
- Fisheries Commission - 21 - 25 September

19. Adoption of Budget and STACFAD Recommendations for 2007

The proposed budget for 2007 was accepted.

General Council adopted all STACFAD recommendations with the exception of recommendation (j) (amendment of Staff Rule 8.6e).

VII. Closing Procedure (*Agenda items 20-23*)

20. Time and Place of the Next Annual Meeting

The 29th Annual Meeting will be held in Lisbon, Portugal, European Union, at the following dates:

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

21. Other Business

A number of Contracting Parties and observers addressed General Council with closing remarks. Canada thanked all delegates as well as the colleagues from the Reform WG last week for the excellent cooperation and concluded that NAFO had shown strong leadership with regard to governance and the MCS scheme and that the Convention reform was well on its way. Canada thanked France for its reception in celebration of its 10th anniversary in NAFO. It was also pleased with the presence of WWF-Canada during the meeting and thanked WWF-Canada for the reception offered on Monday. Russia and EU joined Canada's remarks. Korea thanked the Secretariat and the Canadian delegates, and the Ukraine thanked all participants, Chairs, Secretariat and French reception. WWF-Canada addressed the General Council with its viewpoints on the decisions taken at this Annual Meeting, and the FAO observer said a few words expressing his appreciation for the good cooperation with NAFO.

22. Press Release

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

23. Adjournment

The meeting adjourned at 12:00, September 22, 2006.

Annex 1. Opening Statement by the Chair (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 annual meeting.

I wish to thank the Executive Secretary and the Secretariat for the excellent arrangements for this meeting.

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

At the 2005 annual meeting, NAFO agreed to a process of reform to modernize the Organization and incorporate the most recent international legal instruments such as the UN Fish Stocks Agreement, to strengthen and improve the current monitoring, control and surveillance regimes in NAFO, and to begin addressing possible solutions to address fishing overcapacity in NAFO.

As a result, two meetings of the Working Group on Reform have been held this year. In addition, STACTIC met in June to discuss proposed improvements on monitoring, control and surveillance issues. I expect that NAFO reform will be our priority and focus at this meeting.

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. NAFO members will need to continue their close cooperation and collaboration to achieve our shared objectives of stock recovery.

I am hopeful that NAFO will continue the momentum towards reform that has build over the last year. I am confident that NAFO will respond to and meet these significant challenges.

Thank you.

Annex 2. List of Participants

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Annex 3. Opening Statement by the Representative of the European Union

We are happy to return once more to the Province of Nova Scotia for this Annual Meeting which, in our view, constitutes one of the most significant meetings this organisation has held in recent years.

Last year we agreed that it was important that NAFO should take the lead following the St Johns Conference to launch a comprehensive reform process of the organisation. We agreed that the reform process would be three-pronged

- a revision of the Convention Text to reflect modern principles of international fisheries law and to make the organisation more efficient in its working methods and structure. We are encouraged by the progress made so far in the working group on the revision of the NAFO Convention and we look forward to the report from the WG Chair during this meeting. NAFO must become a modern and efficient organisation that can serve as a model for other regional fisheries organisations and for that it requires a modern fisheries convention.

- we entrusted STACTIC with reviewing the current control and enforcement measures, and where required proposing modifications. We recognise both that this is a key task but also a very difficult one since we are dealing with international waters and different legal regimes. The issue of control and enforcement of course will always be in the forefront of our evaluation of the effectiveness of NAFO. In order to progress in this field, we consider necessary to identify the weakness of the actual scheme, to resolve misunderstandings, to take into account the cost efficiency of the measures and to ensure the definition of a coherent and balanced scheme of inspection; In this context we consider necessary to identify concrete actions and to decide on the list of priorities such as a more targeted definition of serious infringements, making clearer the steps the flag State has to follow in the follow-up of infringements and to ensure the application of deterrent sanctions against vessels committing serious infringements.

And finally, we agreed that reform relating to our management of the stocks would find its rightful forum here in the Fisheries Commission.

On other related issues, the EC is in favour of enhanced measures to combat IUU activities by Non-Contracting Party vessels. We believe that recent measures adopted in the framework of NEAFC also could be introduced in NAFO. That would entail in particular the closure of ports for IUU vessels. The EC will also support the reinforcement of the cooperation between the Contracting Parties by the establishment of the Joint Inspection Patrols in the NAFO Area. It would contribute to overcoming misunderstandings and build confidence, but would also make the deployment of inspections more effective and cost efficient. The Joint Canada-EU Inspection Patrols in the NAFO Area in July were a concrete step towards real reform of control and enforcement in NAFO.

In terms of Status of Stocks, and in particular the implementation of the Greenland Halibut Recovery Plan, we need to take into account the difficulties to reduce the fishing effort and the sacrifices made by several fleets. The adjustments demanded of the EC fleet have been very significant from the outset of this Recovery Plan. Improvement in the stock will be a slow process – we estimated 14 years when we adopted the Plan.

The EC has reduced dramatically its fishing effort in the NAFO Area; some vessels were scrapped, and some vessels have re-directed their fishing activities to other areas. It is to the great credit of those vessels that they have adjusted in such a short time. There are few examples of such radical adjustments ever being so successfully introduced in measures adopted by Coastal States in their EEZs. So NAFO should be justifiably proud of the courage it displayed in adopting this Rebuilding Plan.

We welcome WWF. We have noted an increased interest in NAFO from Non-Governmental Organisations. The involvement of WWF in the NAFO debate is something that we welcome since we consider that NGO's have an important role to play in our deliberations on fisheries management issues.

Finally, let me assure you that we look forward to working with all of you in the days ahead and are pleased to be able to invite NAFO to celebrate its 2007 Annual Meeting in Portugal.

Annex 4. Opening Statement by the Representative of Canada

Mr. Chairman, distinguished Representatives, Ladies and Gentlemen,

It is a pleasure for Canada to participate at this twenty-eighth annual meeting of NAFO.

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

NAFO members have 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 fully into the 21st century, we agreed last year to incorporate and implement these instruments within NAFO governance.

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

Canada is pleased with the discussions that have taken place in the two meetings of the Working Group on NAFO Reform, as well as by STACTIC on proposals for improving NAFO's MCS regimes.

These discussions have brought us very close to elements of reform that would strengthen NAFO and address overfishing in the Northwest Atlantic. We will be looking for ways to resolve areas of disagreement on an amended Convention and to agree on next steps.

Another key element of this week's meeting is to discuss the ongoing threats to specific fish stocks and their ecosystems and how to stop their continuing decline.

As we will hear later, we again witnessed another setback in the recovery of the Greenland halibut stocks. Catches in 2005 were 22% higher than the TAC of 19,000t. The stock is at its lowest observed biomass level and again has been fished at unsustainable levels. If this continues, the objectives in the Rebuilding Plan will be compromised.

Mr. Chairman, NAFO cannot afford to lose the last remaining groundfish stocks under its jurisdiction. We need to ensure effective implementation of the Rebuilding Plan including reducing fishing effort commensurate with available quotas. We also need to agree on monitoring, control and surveillance measures that are effective in eliminating incentives to cheat and that allow us to eliminate IUU fishing.

Overcapacity is an issue in fisheries all over the globe and NAFO is no exception. Reducing capacity is a major part of ensuring sustainable fishing activity. In this regard, Canada has circulated a discussion paper on Capacity Management to help guide our discussions on this subject. Our objective would be to agree on a process to address this subject intersessionally.

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

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

Thank you.

Annex 5. Opening Statement by the Representative of the USA

Mr. Chairman, distinguished delegates, ladies and gentlemen:

The United States is pleased to join our colleagues once again here in beautiful Nova Scotia for the 28th NAFO Annual Meeting. We look forward to an interesting exchange of views this week on a broad number of topics.

Of particular interest to the United States is continuing to build on the work of the last two intersessional meetings of the Reform Working Group. Frank discussions and able chairmanship during these meetings has resulted in considerable progress. Although further work is necessary on a number of important issues, among them achieving more fairness and equity in the formula for determining assessed contributions, there appears to be general agreement on many of the key principles under review. It is our hope that the momentum of the last two Working Group meetings can be maintained this week so that progress can continue beyond the annual meeting. We must carry out this initiative with the same boldness with which we announced it.

In terms of the fisheries management issues before us this week, the United States remains gravely concerned about the status of the rebuilding plan for Greenland halibut. This stock has become somewhat of a symbol for NAFO and we must act decisively to halt further biomass declines and to reduce fishing mortality. With regard to bycatch (particularly of moratoria species), we would like to have further dialogue on how to close loopholes in the existing scheme to ensure that bycatch is true bycatch and that it is minimized to the greatest extent possible. Additionally, we must maintain and improve monitoring and data collection efforts for unregulated species, including elasmobranchs.

By now you will surely have noted that the United States will once again be seeking a national allocation of the Division 3LNO yellowtail flounder stock. This request is made in combination with a call to raise the harvest rate for this stock to a level that will permit a greater level of participation in the fishery while not reducing any single national allocation. This stock is unique among others in NAFO. It is the only NAFO-managed stock to recover fully from moratorium protection, and it is entirely appropriate to manage it with a less conservative but scientifically justified harvest strategy. Another U.S. proposal of note provides a draft NAFO resolution on sea turtles. This proposal seeks to respond to a recent communication from the sea turtle conservation community requesting that NAFO implement the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations. The U.S. draft resolution commits NAFO to this (to the extent possible) and calls for a compilation of information on sea turtle interactions in NAFO fisheries and the types of mitigation measures that may be currently in place among NAFO Contracting Parties. We join others in welcoming WWF-Canada as an observer. We believe NGOs have an important role to play in the NAFO process, and we are glad that the rules of procedure developed a few years ago to facilitate this participation are being used. We look forward to a productive dialogue on these and many other issues in the coming week.

Thank you Mr. Chairman.

Annex 6. Opening Statement by the Representative of Denmark in respect of the Faroe Islands and Greenland

Mr Chairman, distinguished delegates and observers,

The Faroes and Greenland are pleased to be attending the 28th Annual Meeting of NAFO.

Reform is the key issue on our agenda this year. Considerable progress has been made during the two meetings we have had, most recently last week in the beautiful and relaxing surroundings of Oak Island here in Nova Scotia. We look forward to further discussions both in the Council and on the sidelines of this week's meeting on the unresolved issues. In such a process, however, nothing is agreed until everything is agreed. We are dealing with amendments to our very Convention, which, once approved in this body, will have to be approved in the respective parliaments of Greenland and the Faroes. So we need to allow ourselves the time needed to ensure that the major changes we adopt are consistent with our over-riding international commitments and political objectives, and that we have a strong consensus among all Parties. We believe this can in fact be achieved very soon.

The main priority for our delegation in the reform exercise has been to provide NAFO with a modern mandate to propose joint management measures that also take account of ecosystem considerations, as we have recently done within NEAFC. The aim of course is to improve and strengthen the very basis of our decisions and thus also optimise our utilisation of the resources. Ensuring the greatest possible benefits for both present and future generations is after all what we mean when we talk about sustainable fisheries.

When it comes to decision-making, in the light of our own experiences in this organisation in recent years, it will be no surprise to other delegations that we strongly support mechanisms that can help to strengthen the ability of this organisation to resolve outstanding issues in a fair and transparent way, on a multilateral basis, with a clear understanding of legitimate conflicting views and interests.

I must stress, however, that we do not share the view that the objection procedure *per se* undermines the effectiveness of regional fisheries management. Regional management can work and actually does work, and we all share the goal of making it stronger, where needed. What really undermines the effectiveness of regional fisheries cooperation is lack of political will, mistrust and bad faith. Since late 2004, for nearly 2 years, Canada has had its ports closed to all Faroese and Greenlandic vessels, due to our legitimate objection to the temporary division of 3L shrimp and our establishment of reasoned alternative measures. This unilateral, politically-motivated reaction – we would say over-reaction – by Canada, taken outside the context of this organisation and rarely mentioned inside it, prevents a balanced and constructive dialogue and is counter-productive to finding an appropriate multilateral solution to this unresolved issue within NAFO.

This aside, Mr Chairman, there are many other issues on our agenda this year to which we wish to make our contribution. These include on-going discussions on measures to combat IUU activities, where we support stronger coordination across the North Atlantic between NAFO and NEAFC. When it come to the details of our “Green Bible”, the CEM, we also feel strongly that technical regulations with respect to specific fisheries should be consistent, adaptable and sensitive to the daily practicalities of our fisheries sectors, within the over all conservation and management framework in which they are implemented. Our delegation will be raising some specific issues in this regard in the Fisheries Commission.

Finally, on behalf of all members of our delegation, we once again look forward to working constructively with all delegations during this year's meeting.

Annex 7. Opening Statement by the Representative of France (in respect of St. Pierre et Miquelon)

Mister Chairman, delegates, ladies and gentlemen,

It is an honor and a pleasure for me to be here attending this NAFO meeting for the first time.

I would like to thank the Canadians authorities and the secretariat for providing us a high level of logistical support for this meeting.

Under your guidance chairman, significant progress has been achieved during the recent years, and I hope this meeting will be as fruitful as expected.

This year, as everyone knows, we have several important issues for consideration.

At this stage, I would like to formulate the following comments about those different issues.

The first concerns the reform of this organisation which has concentrated most of the attention of the contracting parties during the past 6 months.

Decided in the aftermath of the Saint John ministerial context, a consensus was found on the need to modernize quickly this organisation in order to get a better governance of this part of this Atlantic Ocean.

NAFO has for a long time played a leading role among the RFMO and we consider that this process is a way to preserve it.

The changes introduced in that new text are significant and it's probably true to say that this exercise was not an updating amendment and that if we decide to ratify these elements our organisation will work on new basis.

Under the efficient guidance of the chairman's working group, a common view was found on most of the issues this working group had to deal with. Still, there remain few items we will have to discuss about in order to find a balanced approach of this new text. As far as France is concerned, we will be of the view to keep the momentum on that issue and to proceed as fast as possible on those pending issues.

Among them, we consider as a priority to achieve the debate on decision making which aims at improving the efficiency with tool such as an ad hoc panel expert and in the same way preserve the sovereign right of one Party to object. The new mechanism strikes a balanced compromise between these two elements and we hope it could be finalised.

Concerning the work of the Commission itself, we share most of the views expressed in the chairman's text but we would also like to add some wordings about the allocation criteria regarding the contracting parties, and I insist on the plural, whose communities are primarily dependant on fishing for stocks in the NAFO area. Indeed, we consider it reflects the reality as it is now.

Regarding the debate about the budget, we do not see it as priority to be dealt with in the context of that reform, even if we can understand the concern raised by the US and we are ready to discuss it further if needed.

From a procedural point of view, given the substantial elements integrated in the text, the French authorities will have to go through a long ratification procedure with Parliament debate. Nevertheless, given the significant changes introduced, we consider as useful to apply at least some of these elements on a voluntary basis as far as possible.

Regarding, the rest of the issues which will be discussed during these 5 days to come, we have some concerns about the state of the Greenland halibut stock and we will have to start thinking about some long term solutions to be implemented when the multi-annual management plan will be over.

On the other hand, the news is not too bad on some other stocks such as shrimp or yellow tail flounder and there probably room for manoeuvre in that regard.

Having said that, and as we stressed it before, we, like some others coastal state around the table are highly dependent on that fishing resources and will always consider as a priority to preserve a minimum allocation share even if small.

Last, we do not forget in the context of the discussions to come in the UN concerning bottom trawling, that NAFO as a responsible organisation must continue to progress on the issue of data collection and criteria which could be used in order to close some areas to some fishing gears. We would insist to conduct such an exercise on solid scientific elements.

So, France in respect of Saint-Pierre-et-Miquelon, with due regard to what I mentioned before, approaches its work in that important meeting with an open mind as regards to what will be the final outcomes.

Annex 8. Opening Statement by the Representative of the Republic of Korea

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a great honor and pleasure for me to participate in this 28th Annual Meeting of the Northwest Atlantic Fisheries Organization, and to meet all of you here in this beautiful city of Dartmouth.

On behalf of Korean delegation, I would like to express our special gratitude to the government of Canada and the NAFO Secretariat for the devotion and endeavor in organizing and preparing this important meeting.

Mr. Chairman,

Let me take this opportunity to mention that the Republic of Korea is actively participating in global efforts to achieve sustainable fisheries as one of world's large-scaled fishery states in terms of both production and consumption.

In this regard, I am pleased to inform you that the Korean government has recently decided to ratify the UN Stock Agreement in an effort to further strengthen its responsibility and widen its role for the management and conservation of fisheries resources.

It is expected that the government's plan for the ratification of the agreement will be implemented through the approval of the National Assembly, hopefully, by the beginning of next year.

Korea has also actively involved in efforts for the conservation and management for fish stocks in the Northwest Atlantic in close cooperation with other NAFO member states since it joined the organization in 1993.

However, as you are well aware of, Korean fishing vessels could have not actually made any fishing activity in the NAFO waters up until now, due to the economically insufficient quota allocated to Korea.

Mr. Chairman,

It is Korean government's constant and rational view that all members of an organization should share the responsibilities and benefits of concerned membership.

In this regard, I would like to kindly request that the Korean fishing quota be favorably revised in due consideration of historical fishing records and actual contribution to the organization or other possible arrangements be made for joining fishing activity even in minimum scale.

Closing my remarks, Korea welcomes the initiative for organization's reform and hopes that the NAFO's mandate and function will be updated in conformity with other related international instruments for the conservation and management of fish stocks in efficient manner.

And we hope to see that good progress for the reform will be made during this meeting by elaborating more tangible and broadly accepted contents, and by fairly reflecting interests of each member states to achieve our eventual goal, the harmonization between conservation and use of resources, ensuring sustainable fisheries.

Thank you.

Annex 9. Opening Statement by the Representative of the Russian Federation

Mr. Chairman, distinguished delegates, ladies and gentlemen,

We all are witnesses and participants of one of the most important events in the history of NAFO. Problems accumulated for years have entailed the necessity to reform the Organization. Russia takes an active part from the very beginning of this not simple process having put forward a number of constructive proposals. By now, the most topical issues have been identified and mutual understanding between Contracting Parties on how to resolve many of them has been reached. This gives grounds for a sound optimism and strong belief in the success of the NAFO reform, which in the result will greatly contribute to the management of living marine resources in the Northwest Atlantic for the benefit of the present and future generations.

One more important issue I would like to touch upon is harmonization of mesh size regulations within and outside the 200-mile limit of the Canadian Zone in the target redfish fishery in Div.3O. The current mesh sizes used in the Canadian Zone, NEAFC Zone and NAFO Regulatory Area are 90 mm, 100 mm and 130 mm, respectively. Russian Federation is interested in harmonization of mesh size in all three aforementioned areas and one of the ways to do it is to establish a unified 90-100 mm mesh size in the target redfish fishery in Division 3O and Subareas 1-3. I am convinced that both scientific data available and just common sense evidence in favor of making such a decision.

In conclusion let me wish the 28th Annual Meeting of NAFO to attain a success and express a hope that decisions to be made during this meeting will be balanced and meet both mutual and national interests of all Contracting Parties.

Thank you for your attention.

Annex 10. Opening Statement by the Representative of Japan

Mr. Chairman, distinguished delegates and observers,

It is a pleasure for Japan to participate in this twenty-eight annual meeting of NAFO in Dartmouth and I wish to thank the Canadian government and the Secretariat for all the arrangements.

At the last year's annual meeting, the organization made an important decision for reform of NAFO. Japan appreciates the remarkable progress of discussion for the reform including the amendments of the Convention and support the direction the organization is heading since last year. Japan believes that, it is essential for NAFO to review and improve its objectives and functions to accommodate it to the modern standards and needs that the regional fisheries organization is required, including ecosystem approach, MCS measures in provided in the UN stock agreement, of which Japan became a Contracting Party just last month .

Many stocks managed by NAFO are still in low status now and Japan has only one vessel engaging in fishery in NAFO Convention area. Japan would like to express our commitment to the work for rebuilding those stocks, in particular Greenland halibut and strengthening monitoring and control for ensuring sustainable fisheries in NAFO Convention area as well as the fundamental review of the Organization.

Thank you.

Annex 11. Opening Statement by the Representative of Ukraine

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a pleasure for the Ukrainian delegation to greet all the participants of the 28th Annual Meeting of NAFO. We are enjoying staying in Halifax and we would like to thank the Canadian Government and NAFO Secretariat for hosting the meeting.

The Ukrainian Party encourages all the processes aimed at modernizing the Organization in relation to the improvement of conservation and recovery of fish stocks, fair allocation of quotas, decision-making process and other important issues.

Our delegation is looking forward to working with the participants on the constructive and friendly basis and we wish success to the meeting.

Thank you

Annex 12. List of Actions and Agreed Decisions of General Council

Substantive Issue (Agenda Item)	Decision/Action
Item 9	General Council clarified that partial payments will be treated as non-payment for the purpose of voting rights. Therefore, a Contracting Party that has not paid fully for two consecutive years loses its voting rights.
Item 8	General Council agreed to incorporate STACFAC into STACTIC and changing the Rules of Procedure - GC WP 06/3
Item 8	General Council agreed on a text for the decision-making procedures for the new Commission - GC WP 06/6
Item 8	General Council agreed on a new text for Article VI – Paragraph 7 GC WP 06/7 (adopted)
Item 8	Agreed on an intersessional meeting of the General Council regarding reform issues

Annex 13. Agenda

I. Opening Procedure

1. Opening by the Chair, David Bevan (Canada)
2. Appointment of Rapporteur
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. Reform of NAFO
 - Report from the Working Group on NAFO Reform (Chair of the WG)
 - Assessment and Next Steps
 - Guidance to STACTIC necessary for them to define the priorities in order to strengthen the monitoring control, and surveillance (MCS) regimes

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

9. Review of Membership of the General Council and Fisheries Commission
10. Administrative Report (STACFAD)
11. Progress Report of the Secretariat (by the Executive Secretary)
12. Review and Adoption of the New Contract for the Executive Secretary
13. Any matters regarding Staff Rules

IV. Coordination of External Affairs

14. Report of Executive Secretary on meetings of FIRMS and CWP
15. United Nations General Assembly
 - May 2006 Review Conference on 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
 - UNGA Resolution 59/25 on Sustainable Fisheries – para 66

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

16. Consideration of non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
17. Report of STACFAC at the Annual Meeting and decisions on actions

VI. Finance

- 18. Report of STACFAD at the Annual Meeting
- 19. Adoption of the Budget and STACFAD recommendations for 2007

VII. Closing Procedure

- 20. Time and Place of Next Annual Meeting
- 21. Other Business
- 22. Press Release
- 23. Adjournment

Annex 14. FAO Statement to the 28th Annual Meeting of NAFO

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-eighth Annual Meeting. 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 important role of regional fishery bodies (RFBs) in contributing to ensure sustainable and responsible fisheries management all over the world has been increasingly recognized. The Twenty-sixth Session of the FAO Committee on Fisheries (COFI) and the Ministerial Meeting on Fisheries held in March 2005 in Rome underscored the importance of RFBs, in particular, Regional Fisheries Management Organizations (RFMOs) and expressed their expectation that these organizations would take the lead as we move toward more responsible fisheries. The Fourth Meeting of Regional Fishery Bodies held just after the COFI also reconfirmed the important role of RFBs in sustainable fisheries. We are now in the mid of preparation for the next session of COFI and the meeting among Secretariats of RFBs both scheduled to be held in March 2007 and expect active participation of NAFO in those meetings as it has done so far.

RFMOs were recognized as the primary mechanism for international cooperation in conserving and managing straddling fish stocks and highly migratory fish stocks during the Review Conference on the UN Fish Stock Agreement held in May 2006. It was widely agreed that the improvement of regional organizations' functioning and alignment of their conventions and adopted measures with the Agreement's standards should be a priority. The implementation of precautionary and ecosystem-based approaches to fisheries management and strengthening of monitoring, control and surveillance regimes were underscored among others in order to modernize RFMOs. The need for performance reviews based on transparent criteria was also underscored. NAFO was listed as one of RFMOs undertaking comprehensive reviews with respect to the provisions of the Agreement.

There are significant diversity existing among RFBs. Some do not have mandate to manage fisheries. Some are new and need more experiences of collaborative and collective regional fishery governance. There are a couple of initiatives going on in establishing new RFMOs. Among those RFBs, NAFO is one of the world's leading RFMOs having a long history and much experience in the management of sustainable fisheries and expected, as a model for other RFMOs, to continue playing a significant role in regional action to secure sustainable and more responsible fisheries management in the Northwest Atlantic Ocean.

Mr. Chairman,

I will carefully 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. Closing Remarks by the WWF Observer

Thank you Mr. Chairman and again WWF extends appreciation to NAFO and the Contracting Parties for welcoming us as observers of your Annual Meeting.

We would like to acknowledge the interventions by select Contracting Parties in not only welcoming WWF to this Annual Meeting, but also in recognizing the important contributions a global conservation organization such as WWF can make to the NAFO process - now and in future. I personally wish to acknowledge that select Heads of Delegation have taken the time during this Annual Meeting to speak with me directly about WWF and our continuing role in this regard. These exchanges have been welcome, constructive – and very candid.

With a view to long-term participation in the NAFO process - it is in this same spirit of candor and constructiveness that WWF will offer a few reflections on what we have observed during your deliberations this week.

On NAFO Reform:

The intense effort and investment many have committed to this important initiative is not lost on WWF – and we are pleased to broadly - yet cautiously - welcome the package of reform measures. We congratulate NAFO on strengthening its Convention in key areas –including commitment to ecosystem considerations. However some concerns remain.

Nonetheless - It is our hope for NAFO that the measures you have agreed to will prove effective in time when tested – as they surely will be.

On WWFs expectations for reform and this Annual Meeting

At the WWF hosted reception Monday night – delegates will recall that we outlined some of our key measures of success for NAFO which we fully expected progress to be made against during this annual meeting. These included:

- Commitment to recovery planning for all stocks under moratoria;
- Commitment to significantly reducing bycatch;
- Commitment to protect sensitive habitats such as seamounts and corals.

On the first point, as indicated in Fisheries Commission Working Paper 06/22, we are encouraged by the request of the Fisheries Commission to Scientific Council on informing how to rebuild stocks outside of safe biological limits.

However, NAFO has not yet fully met expectations under the second point; namely bycatch reduction. We view this as a set back to your reform process particularly in reference to your revised Objective of long term conservation and sustainable use of fishery resources. However, we can but look to the future and to WWF's role in continuing to monitor and, where possible, influence NAFO onto a more sustainable path in this regard.

Yet we are very encouraged at progress made on protecting critical habitat such as seamounts and corals in the NW Atlantic - and acknowledge the leadership demonstrated by Canada in tabling this proposal – and to the Contracting Parties in agreeing in principle to its implementation.

While we remain somewhat concerned over the detail in this proposal, including allowing for exploratory fishing on such critical habitat, we are encouraged by these important first steps. We hope that in the process of refinement that will follow, that the strengths of the proposal are not negotiated or defined out.

I look forward to reporting back to colleagues in the global WWF network, whom I have been privileged to represent this week. I will report both on NAFO's success during this Annual Meeting, as well as its setbacks.

It is our hope that WWF can also look forward to being part of the NAFO process in future.

Thank you.

Annex 16. 2006 Annual Meeting Press Release

NAFO Reform in Full Swing

DARTMOUTH, NS, CANADA –The Northwest Atlantic Fisheries Organization (NAFO) made great progress with its ground-breaking reform agenda during the annual meeting from 18-22 September 2006. About 200 delegates from 12 member countries were able to resolve a number of issues related to an integrated oceans management approach, strengthened decision-making processes and improved control of the fisheries in the international waters of the Northwest Atlantic.

NAFO Moving Towards an Ecosystem Approach

NAFO is committed to an ecosystem approach to fisheries management which will be reflected in the Convention. The new provisions include an expansion of NAFO's mandate to minimize harmful impact on living marine resources and marine ecosystems, and that preserve marine biological diversity.

NAFO Toughens Monitoring, Control and Surveillance

NAFO adopted measures to strengthen the follow-up of infringements and to ensure the application of sanctions against vessels committing serious infringements. Other important provisions restrict port access for vessels that engage in illegal, unreported and unregulated (IUU) fishing. These measures go hand in hand with the new blacklist for IUU vessels that NAFO will publish for the first time on its website.

NAFO Will Improve Decision-Making

NAFO is developing an improved decision making process within the Organization. A new objection procedure is being considered to place extra burden on individual parties that do not want to implement Commission decisions. The planned provisions foresee a mechanism for impartial review panels and dispute settlement procedures.

NAFO Undertakes Important Efforts to Protect Seamounts

NAFO takes an important first step to protect sensitive deepwater habitats such as seamounts and corals. Delegates decided to impose a ban on bottom trawling on seamounts in the Northwest Atlantic. In addition, Scientific Council has been requested to assess corals in the NAFO Convention Area which will allow their future protection.

NAFO Adopts a Resolution to Reduce Sea Turtle Mortality

NAFO adopted a resolution that will contribute to the protection of sea turtles and expand our knowledge of these vulnerable animals in the Northwest Atlantic. Measures in this regard will include reducing the bycatch of sea turtles in fishing operations, extensive scientific data collection programmes, and the sharing of data with other international organizations.

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

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2006 Annual Meeting (18 – 22 September 2006)

Backgrounder

France (in respect of St. Pierre et Miquelon) celebrated the 10th Anniversary of joining NAFO and invited all to a beautiful reception on Wednesday evening. During this occasion the Préfet de Saint-Pierre et Miquelon, Monsieur Yves Fauquer, addressed NAFO delegates, stressing the importance of fishery resources for the population of Saint Pierre et Miquelon.

The **General Council** was chaired by David Bevan (Canada). It discussed the new Convention text and reviewed administrative matters.

Under the chairmanship of Antonio Vázquez (EU) the **Scientific Council** conducted assessments of fish stocks in the NAFO Convention Area during its three meetings over the last 12 months and reported its recommendations to Fisheries Commission. Highlights included that shrimp stocks continue to be strong in the Northwest Atlantic together with yellowtail flounder that has been on a recovery path since 1997. Thorny skate biomass continues to be stable but at a lower level than during the mid-1990s. On the other hand, many other stocks are at low levels and the Scientific Council had to advise that a moratorium for nine stocks needed to be maintained.

The Scientific Council noted a continuous warming of the sea in the Northwest Atlantic since the mid-1990s.

The meeting was preceded by an international **Symposium entitled “Environmental and Ecosystem Histories in the Northwest Atlantic – What Influences Living Marine Resources?”** 58 participants reviewed climatic, physical and biological factors, dynamics and comparisons of the ecosystems, as well as social and economic consequences of change throughout the Northwest Atlantic area.

The next NAFO symposium will be held in October 2007 and is entitled “Reproductive and Recruitment Processes in Exploited Marine Fish Stocks”. The objective of the symposium is to review the reproduction, early life history, and recruitment in exploited fish. It will take place in Lisbon, Portugal after the Annual Meeting 2007.

NAFO Fisheries Commission, chaired by Vladimir Shibanov (Russian Federation) discussed and adopted a number of fishery measures for the NAFO Regulatory Area. Attached is the table of Total Allowable Catches (TAC) and quotas agreed at this session.

Meetings

Prior to the Annual Meeting, the following NAFO meetings were held during 2006: (1) Working Group on Reform (Montreal, Canada, 25-28 April); (2) Scientific Council Regular Meeting (Dartmouth, N.S., Canada, 1-15 June); (3) Standing Committee on International Control (STACTIC) (Copenhagen, Denmark, 12-15 June). (4) Working Group on Reform (Lunenburg County, NS, Canada, 12-15 September).

The meeting was attended by about 200 delegates from twelve Contracting Parties - Canada, Cuba, 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.

NAFO Executive Secretary

22 September 2006, Dartmouth, NS, Canada

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

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2007 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	520 ^{2,4}	0	0	15112 ⁵		0
Cuba		0	-	0	1750		520 ^{2,4}	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		13010 ^{2,3}	-	-	-		-
European Union		0 ¹¹	0 ¹¹	0 ¹¹	7813 ¹²	7000	13010 ^{2,3} 3383 ^{2,15}	0	0 ¹¹	-		0 ¹¹
France (St. Pierre et Miquelon)		-	-	-	69		520 ^{2,4}	-	-	310 ⁵		-
Iceland		-	-	-	-		13010 ^{2,3}	-	-	-		-
Japan		-	-	-	400	150	520 ^{2,4}	-	-	-		-
Korea		-	-	-	69	100	520 ^{2,4}	-	-	-		-
Norway		0	-	-	-		13010 ^{2,3}	-	-	-		-
Russia		0	0	0	9137	6500	13010 ^{2,3}	-	0	-		0
Ukraine						150	520 ^{2,4}					
United States of America		-	-	-	69		520 ^{2,4}	-	-	-		-
Others		0	0	0	124	100	-	0	0	78 ⁵		0
TOTAL ALLOWABLE CATCH	*	* ¹⁶	*	*	5000 ⁸	20000	16914 ^{10,17}	*	* ¹⁶	15500 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	1778	N.S. ⁶	18325	
Cuba		0		-	510	245	
Denmark (Faroe Islands and Greenland)		-		206	-	245	
European Union	5000	0 ¹¹	8500	6951 ¹⁸	N.S. ⁶ 611 ¹³	1225 ¹⁴	
France (St. Pierre et Miquelon)		-		194	453	245	
Iceland		-		-	-	245	
Japan		0		1215	510	245	
Korea		-		-	453	245	
Norway		0		-	-	245	
Russia	500	0	2250	1512	749	245	
Ukraine						245	
United States of America		-		-	453	245	
Others	500	-	500	0 ⁷	794	0	
TOTAL ALLOWABLE CATCH	8500	*	13500	11856	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 2006 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, 2007. 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 1.b) of the Conservation and Enforcement Measures shall apply.
10. In the case of the NEAFC decision which modifies the level of TAC in 2007 as compared with 2006, 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 3019 tonnes for Lithuania and 364 tonnes to Latvia following their accession to the European Union.
16. Applicable to 2007 and 2008.
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 389 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, 2007

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. Article XIV – Implementation of Commission Decisions
(GC W.P. 06/6)

(changes are either underlined or in bold)

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, any other Contracting Party may similarly object prior to the expiration of the additional twenty day period, or within fifteen days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional twenty-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 shall then become a binding measure on such a Contracting Party.

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 with the provisions of this Convention, or that the proposal or measure unjustifiably discriminates in form or in fact against it. 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 Article II.

6. The Executive Secretary shall immediately notify each Contracting Party of:

- a) the 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 receipt of each notice under paragraph 4; and
- d) each explanation and description of alternative measures received under paragraph 5

7. In the event that any Contracting Party invokes the procedure set out in paragraphs 2, 4 and 5, it may at the same time request that an ad hoc expert Panel be convened in accordance with Annex II.

8. Should an ad hoc expert Panel not be requested pursuant to paragraph 7, the Commission shall decide, on the basis of a majority mail vote, whether to convene an ad hoc expert Panel in accordance with Annex II.

9. Where, pursuant to paragraph 8, the Commission decides not to convene an ad hoc Panel, any Contracting Party may request a meeting of the Commission to review the proposal or measure of the Commission and the alternative measures.

10. Any ad hoc expert Panel established pursuant to paragraph 7 or 8 shall review the alternative measures and the proposal or measure of the Commission and make recommendations to the Commission on:

(a) whether the alternative measures proposed in paragraph 5 are in accordance with Article II and preserve the rights of all Contracting Parties, and

(b) whether the explanation pursuant to paragraph 5 is well founded, and whether the proposal or measure of the Commission should be ~~maintained~~, modified, or amended, **and if so, how, or maintained** or revoked.

11. Thirty days following the procedures set out in paragraph 10, the Commission shall meet, to consider the recommendations of the ad hoc panel.

12. Where the procedures set out in paragraphs 7 to 11 have been concluded, any Contracting Party may invoke the dispute settlement procedures set out in Article XV.

Article XV

5. If the Contracting Parties to the dispute 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 to the dispute so requests, to binding dispute settlement procedures set out in Part XV of the 1982 Convention or Part VIII of the 1995 Agreement.

If binding dispute settlement procedures are invoked in accordance with this paragraph, the Contracting Parties to the dispute, unless they agree otherwise, shall apply provisionally any recommendation made by the ad hoc panel pursuant to paragraph 3, or, where applicable, Article XIV (10). Such provisional application of the panel's recommendation shall cease when the Contracting Parties to the dispute 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.

Addition to Annex II

11. In relation to the ad hoc Panel established pursuant to Article XIV, paragraphs 7 and 8, the Parties shall be deemed to be the Commission and the objecting Contracting Party and the provisions of this Annex shall apply, with the exception of paragraphs 3 and 4(e).

Annex 18. Amendment to Article VI – Paragraph 7
(GC W.P. 06/7)

Article VI – Paragraph 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 *the interest of the relevant Coastal States*. In the allocation of catches 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 activities 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.

PART II

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

28th Annual Meeting, 18-22 September 2006
Dartmouth, Canada

1. Opening by the Chair

The first session of STACFAD was opened by Fred Kingston (EU) on 18 September 2006.

The Chair welcomed delegates and members of the NAFO Secretariat to the meeting. Present were delegates from Canada, European Union, France (in respect of St. Pierre et Miquelon), Norway, Russia, and the United States of America (Annex 1).

2. Appointment of Rapporteurs

Stan Goodick (NAFO Secretariat) was appointed Rapporteur.

3. Adoption of Agenda

The provisional agenda was adopted as amended (Annex 2).

4. Auditor's Report for 2005

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 Senior Finance and Staff Administrator for NAFO presented the Auditor's Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2005.

It was noted in the Auditor's Report that the Organization has a policy not to capitalize capital assets and has not recorded a liability for retroactive salary adjustments. The Committee was informed that the third and final payment of the retroactive salary liability was paid during 2006 and therefore this item will not appear in future reports. It should be noted that in order to assist with the Organization's cash flow situation the respective employees had voluntarily accepted a deferred payment plan over a three-year period.

Other than the failure to record the liabilities and capital assets referred to in the preceding paragraph, 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.

The Auditors noted the Organization's accounting policy for uncollectible accounts states contributions that are one year in arrears will be deemed uncollectible for the purposes of the current financial budget year as approved by the General Council. However, in practice outstanding contributions are not considered in the financial statements until they are two years in arrears. **STACFAD recommended that the accounting policy for uncollectible accounts be that an allowance for uncollectible accounts be recorded for contributions that are two payments in arrears.**

STACFAD recommended that the 2005 Auditor's Report be adopted.

5. Administrative and Financial Statements for 2006

The Committee reviewed the Administrative Report and Financial Statements for 2006 provided in document GC Doc. 06/2, Revised.

Under Membership, the Secretariat stated that it had received from Canada (Depositary) notification of Bulgaria's withdrawal from the NAFO Convention which will become effective 31 December 2006. Regarding fishery statistics, concerns were again expressed regarding the timeliness and accuracy of submissions of Catch Reports that are needed, not only for the scientific assessment of fisheries activities, but 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.**

STACFAD noted that two NAFO staff members will retire later this year. STACFAD expressed its appreciation to Ferne Perry, Senior Publications Manager, who served NAFO for 32 years and Dorothy Auby, Office Manager, for her 25 years of service. STACFAD thanks them for their dedication to the Organization and wishes them all the best on their retirement.

The Senior Finance and Staff Administrator for NAFO presented the Financial Statements for the fiscal year ending 31 December 2006. As a result of postponing the hiring of staff, delaying projects and cancelling expenditures, the Secretariat predicts that it will be able to reduce its appropriations by approximately \$250,000. He noted that the unprecedented outstanding contributions by Contracting Parties had forced the Secretariat to reduce expenditures because of cash flow concerns and the possibility of not being able to meet its financial obligations. These outstanding contributions are as follows:

	2005	2006
Bulgaria		\$30,419
Cuba		30,577
Korea		30,419
Ukraine	\$ 31,175	30,735
USA	86,368	208,889
Total	\$117,543	\$331,039

Concern was expressed regarding the unprecedented level of outstanding contributions.

The Delegates from the USA indicated that they did not yet know the level of funds that will be available to pay its 2007 contribution. STACFAD noted the existing practice of applying payments received from Contracting Parties with outstanding contributions towards their oldest debt.

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

Because Bulgaria will no longer be a Contracting Party of NAFO next year, STACFAD recommended that the outstanding contribution from Bulgaria (\$30,419) 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. **In addition, STACFAD recommended that outstanding contributions from Ukraine (\$31,175) and USA (\$86,368) for the year 2005 should also be deemed uncollectible at the end of the current fiscal year if payments are not received by 31 December 2006 and that this amount be applied against the accumulated surplus.** The USA emphasized that it did not consider that deeming its outstanding 2005 contribution uncollectible for the purposes of the 2007 financial year cancelled its obligation to pay all assessed contributions. STACFAD requested that the Secretariat provide background information regarding the possibility of collecting interest on outstanding contributions.

6. Review of the Accumulated Surplus Account

The Committee reviewed the Statement of Accumulated Surplus for the Year Ending 31 December 2006 (estimated from 31 July 2006) as reflected in Statement IV of the Financial Statements contained in NAFO/GC Doc 06/2 (revised).

A discussion arose based on STACFAD Working Paper 06/1 (revised) presented by the Secretariat concerning accumulated surplus and cash flow. As a result of outstanding contributions, the Secretariat may once again be faced with the possibility of not being able to meet its financial obligations in early 2007. In particular, the Executive Secretary was concerned that the \$250,000 in savings NAFO had achieved in 2006 would not be credited to the operations of the Organization if the normal practice of maintaining a \$125,000 accumulated surplus for the following year was followed. Moreover the deeming of any 2005 outstanding contributions as uncollectible, while helpful, was still insufficient to resolve the current cash flow problem.

The Committee considered various options that would allow the Secretariat to function sufficiently in 2007. A combination of raising the accumulated surplus account to the maximum limit of 20% (according to Rule 4.4 of the Financial Regulations) and deeming uncollectible the amounts owed in 2005 was considered to be the best way forward. In addition, voluntary payment of the contributions in 2007 in two instalments, as recommended in 2005, was supported.

As a result, STACFAD was of the opinion that the current cash flow situation be considered an emergency in accordance with Rule 4.4 of the Financial Regulations. As a consequence, STACFAD recommended that an amount representing 20% of the proposed 2007 budget, namely \$291,800, be maintained as the minimum balance in the Accumulated Surplus Account. STACFAD stresses that this extraordinary recommendation be considered as an interim measure pending the resolution of the current financial situation. 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 2007. STACFAD also advised the Executive Secretary to prioritize and align resources when authorizing expenses.

STACFAD expressed its deep concern about this ongoing situation and felt that additional instruments were needed to help the Organization to manage this type of situation. In this regard, STACFAD asked the Secretariat to develop proposals for the next Annual Meeting concerning possible additional instruments. These include the establishment of a contingency reserve fund, charging interest on outstanding contributions, the authorization to borrow funds from private institutions, and the possibility of private sponsorship.

7. Reform of NAFO

a) Amendment of Financial Regulations

The following questions have been referred to STACFAD by the W.G. on Reform:

- Is it feasible to incorporate the list of species for the contribution formula into the financial regulations?

The Committee was not able to come to a consensus on this question. While such a provision was unproblematic to most participants, some were concerned that a simple majority would suffice to alter this important financial instrument. It was discussed whether a qualified majority, be it two third or three quarters, would address this concern. Russia, however, expressed the view that the species list should be maintained in the Convention to allow for greater stability and predictability.

- Is it feasible to include a stipulation that financial auditors should be changed at regular intervals in the financial regulations?

STACFAD participants agreed in principle that a provision in the Financial Regulation to change auditors at regular intervals is feasible. The Committee felt, however, that it was not necessary to stipulate a fixed term. In this regard the Committee proposed adding a new Rule 7.10 to the Financial Regulations as follows: "The Auditors shall be changed at regular intervals".

b) Headquarters Agreement

STACFAD had already addressed the lack of a formal Headquarters Agreement in previous years without resolution. This year, the Secretariat submitted STACFAD Working Paper 06/02 with additional information. STACFAD stated that a Headquarters Agreement appears to be the desirable form of arrangement with the host country. However, the item was not discussed in depth, as the Reform Working Group had already agreed on a provision for a Headquarters Agreement in an amended NAFO Convention.

8. Staff Rules

The Committee discussed the possibility of amending some provisions of the NAFO Staff Rules as follows:

- a) Consideration of Staff Rule 3.1 – Ceiling on renewal of contract of the Executive Secretary. The item had been deferred to Heads of Delegations who decided to maintain the current provision.
- b) New Rule 9.6(e) for a proposed repatriation grant. STACFAD was unable to reach a consensus on a repatriation grant as proposed in STACFAD WP 06/3. Some Delegates expressed concern that the lack of a repatriation grant is not in conformity with the practice in many other international organizations. Delegates agreed to defer this item to the next Annual Meeting.
- c) Separation Indemnity (Staff Rule 9.5). **STACFAD recommended amending Rule 9.5(a) of the Staff Rules to read: “In the event of separation from service with the Secretariat, members of the Secretariat 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;”** STACFAD could not come to a consensus on the issue of eliminating Staff Rule 9.5 (b) and (c) and deferred the item to the next Annual Meeting.
- d) Compensation for the term appointment of a Deputy Executive Secretary (when applicable). **STACFAD recommended that a new rule be included in the NAFO Staff Rules as follows: “The Executive Secretary may appoint a Coordinator to be the Deputy Executive Secretary for the term of one or two years (renewable). This appointment will be compensated with 10% of the Coordinator’s annual salary.”** However, the implementation of this rule should be deferred until the financial crisis has been overcome.
- e) Installation allowance. **STACFAD recommended that Staff Rule 8.6 (e) be amended as follows: “An installation allowance of up to two months net salary plus up to two months salary advance to be repaid within one year without interest in the case of internationally relocating members of the Secretariat”**

9. Classification and Salaries

The Executive Secretary introduced STACFAD W.P. 06/7 proposing to reclassify the Personal Assistant to the Executive Secretary to the level of Senior Personal Assistant to the Executive Secretary. **STACFAD recommended the reclassification of this position to take effect on 1 January 2007.**

The performance of the Executive Secretary was deferred to Heads of Delegations who decided on the level of at-risk pay to be awarded to the Executive Secretary for 2006. Heads of Delegation also decided to renew the contract with the Executive Secretary without an at-risk salary component. That means the performance evaluation of the Executive Secretary and the drafting of criteria for this purpose will not be necessary in the future.

10. Results of the Call for Tender for VMS Service Provider

In September 2005, the General Council, upon the endorsement of STACFAD, requested the Secretariat to consider a re-tendering process for the VMS service provider. In June 2006, the VMS re-tendering process was discussed at the STACTIC meeting and it was decided that STACTIC would review the proposals from interested VMS providers. The Call for Tender (closing 31st August 2006) was circulated to the Contracting Parties and was posted at the NAFO website after the STACTIC June 2006 meeting.

The Secretariat received tenders from nine (9) different companies, which were forwarded to STACTIC for evaluation and decision.

STACFAD recommended that General Council commits to funding fully any necessary expenses related to a possible change of the VMS service provider pending a STACTIC evaluation of tenders. STACFAD also recommended that General Council urge Fisheries Commission to base its decision on the new VMS provider not only on technical specifications but also on ensuring that financial considerations are taken into account.

11. Renewal of Lease for NAFO Headquarters

The lease for NAFO Headquarters comes up for renewal in 2007. The Secretariat is satisfied 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. Canada confirmed at the meeting that the lease will be renewed for an additional 5-year term. It was requested that NAFO be informed officially of the terms of renewal.

12. Budget Estimate for 2007

STACFAD reviewed the budget estimate presented by the Secretariat (GC WP 06/1). **STACFAD recommended that that costs associated with delegation rooms during NAFO Meetings should be the responsibility of the individual Contracting Party, not the Organization.**

Points of note are the following:

- the addition of a possible term appointment of a Deputy Executive Secretary – see the recommendation under agenda item 8(d)
- provision for an installation allowance – see the recommendation under agenda item 8(e)
- the provision for the Annual Meeting reception may not have to be used as the next Annual Meeting will be hosted by Portugal.
- the details concerning the provisions for public relations are contained in STACFAD WP 06/8.

After deliberations on the various budget items, the budget proposal was accepted in full. **STACFAD recommended that the budget for 2007 of \$1,459,000 (Annex 4) be adopted.**

A preliminary calculation of billings for the 2007 financial year is provided in Annex 5.

13. Budget Forecast for 2008 and 2009

STACFAD reviewed the preliminary budget forecast for 2008 (\$1,476,000) and 2009 (\$1,513,000) (Annex 6) and approved the forecast in principle. It was noted that the budget for 2008 will be reviewed in detail at the next Annual Meeting. Russia expressed its expectation that the work of an IT Manager should have the effect of further reducing expenses related to his duties and reducing proposed future budgets.

14. Adoption of 2007 Staff Committee Appointees

The Secretariat nominated three individuals to become members of the Staff Committee for the next year. They are: Jim Baird, Bill Brodie, and Fred Kingston. The Secretariat expressed their gratitude to outgoing members. **STACFAD recommended that General Council appoint the three nominees.**

15. Time and Place of 2007 - 2009 Annual Meetings

The dates of the 2007 Annual Meeting in Lisbon (Portugal) are as follows:

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

STACFAD recommended that

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 September - 1 October
General Council	-	22 - 26 September
Fisheries Commission	-	22 - 26 September

The dates of the 2009 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	-	21 - 25 September
General Council	-	21 - 25 September
Fisheries Commission	-	21 - 25 September

For budgetary planning purposes, STACFAD urged that any invitations by a Contracting Party to host an Annual Meeting be issued as early as possible.

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

Upon request of the General Council, STACFAD reviewed the new draft contract for the Executive Secretary and provided the General Council with its comments in this regard.

The Secretariat is requested to provide information for the next Annual Meeting on the practice in other international organizations concerning termination of duties of Members of the Secretariat.

STACFAD requested that the Executive Secretary present on an annual basis a report on the state of the Organization.

Upon request of the Chair of the Scientific Council to have a formal Scientific Council representative in STACFAD, the Committee suggested that the Scientific Council provide a formal request.

17. Adjournment

The final session of the STACFAD meeting adjourned on 21 September 2006.

Annex 1. List of Participants

Name	Contracting Party
Bob Steinbock	Canada
Fred Kingston Manfred Stein	European Union
Patrick Brenner	France (in respect of St. Pierre et Miquelon)
Turid B. Rodrigues Eusébio	Norway
Leonid Kokovkin	Russian Federation
Deirdre Warner-Kramer Pat Moran	United States of America United States of America
Johanne Fischer Stan Goodick Bev McLoon	NAFO Secretariat NAFO Secretariat 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 for 2005
5. Administrative and Financial Statements for 2006
6. Review of Accumulated Surplus Account
7. Reform of NAFO
 - Amendment of Financial Regulations:
 - i. review of list of species for the contribution formula
 - ii. regular change of financial auditors
 - Headquarters Agreement
8. Staff Rules
 - Consideration of Staff Rule 4.1 – Ceiling on renewal of Contract of the Executive Secretary
 - Repatriation grant
 - Compensation for the term appointment of the Deputy Executive Secretary (when applicable)
 - Separation Indemnity
 - Installation Allowance
9. Classification and Salaries
10. Results of the Call for Tender for VMS Service Provider
11. Renewal of Lease for NAFO Headquarters
12. Budget Estimate for 2007 (including items discussed under separate agenda items in previous years, such as Pension, Public Relations, Translation, Digitization)
13. Budget Forecast for 2008 and 2009
14. Adoption of 2007 Staff Committee Appointees
15. Time and Place of 2007-2009 Annual Meetings
16. Other issues including any questions referred from the General Council during the current Annual Meeting
17. 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
1 January – 31 December 2006	30,418.75
	\$237,137.17

Annex 4. Budget Estimate for 2007
(Canadian Dollars)

	Approved Budget 2006	Projected Expenditures 2006	Preliminary Budget Forecast 2007	Budget Estimate 2007
1. Personal Services				
a) Salaries	\$792,000	\$738,000	\$762,000	\$781,000
b) Superannuation and Annuities	86,000	72,000	82,000	82,000
c) Group Medical and Insurance Plans	93,300	78,300	87,000	73,000
d) Termination Benefits	32,000	24,000	28,000	33,000
e) Accrued Vacation Pay	1,000	1,000	3,000	1,000
f) Clerical (CR) Retroactive Salary Liability	27,700	27,700	-	-
g) Overtime Pay	12,000	6,000	12,000	12,000
2. Additional Help	15,000	-	15,000	30,000
3. Communications	30,000	24,000	30,000	25,000
4. Computer and Web Services				
Computer and Web Services	21,000	16,000	21,000	30,000
Vessel Monitoring System	76,000	65,000	67,000	81,000
5. Contractual Services	43,000	52,000	41,000	43,000
6. Equipment	10,000	5,000	10,000	10,000
7. Materials and Supplies	31,000	16,000	31,000	35,000
8. Meetings				
Annual General Meeting and Scientific Council Meetings	81,500	71,500	75,000	71,000
Inter-sessional Meetings	30,000	13,000	30,000	30,000
Scientific Council Special Session	7,500	2,500	7,500	5,000
Annual Meeting Reception	20,000	-	20,000	20,000
Hospitality Allowance	5,000	1,000	5,000	5,000
9. Professional Development	20,000	-	10,000	25,000
10. Publications	20,000	15,000	20,000	20,000
11. Public Relations	7,000	-	10,000	10,000
12. Recruitment and Relocation	28,000	27,000	-	-
13. Travel	30,000	10,000	35,000	37,000
	\$1,519,000	\$1,265,000	\$1,401,500	\$1,459,000

Notes on Budget Estimate 2007
(Canadian Dollars)

Notes on Budget Estimate 2007
(Canadian Dollars)

Re Item 1(a)	Salaries Salaries budget estimate for 2007. Through retirement and the reorganization of duties, staffing levels will be reduced by one full time employee for 2007.		\$781,000
Re Item 1(b)	Superannuation and Annuities Employer's portion (includes employer normal cost, past service liability and early retirement provisions) and administration costs.		\$82,000
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.		\$73,000
Re Item 1(d)	Termination Benefits This figure is for 2007 credits and conforms to NAFO Staff Rule 9.5.		\$33,000
Re Item 2	Additional Help Digitization and translation of NAFO Observer Program data for Scientific Council		\$30,000
Re Item 3	Communications Telephone and fax Postage Courier/Mail service	\$11,000 10,000 4,000	\$25,000
Re Item 4	Computer and Web Services Computer and Web Services: <ul style="list-style-type: none"> • Computer supplies and equipment • Software updates • Consulting and maintenance • Web hosting Vessel Monitoring System (VMS) <ul style="list-style-type: none"> • Replacement of VMS Server to include the purchase of new hardware, configuration, installation, transferring existing data and testing. • Annual Operating Expenses 	\$16,000 10,000 3,000 1,000 \$46,000 35,000	\$30,000 \$81,000
Re Item 5	Contractual Services Leases: <ul style="list-style-type: none"> • Print department printer • Photocopier • Postage meter Maintenance Agreements: <ul style="list-style-type: none"> • Photocopier and printers Other Contracts: <ul style="list-style-type: none"> • Audit • Consulting and legal fees 	\$10,500 6,300 5,200 5,000 8,000 5,000	\$43,000

	<ul style="list-style-type: none"> • Fidelity bond and fire insurance • P.O. box rental 	2,700 300
Re Item 8	Meetings i) Annual General Meeting and Scientific Council Meetings: This figure includes the cost for the 29 th Annual Meeting, September 2007 and the Scientific Council Meeting, June 2007, both to be held in Halifax/Dartmouth, Nova Scotia, Canada, and the Scientific Council Shrimp Assessment Meeting, November 2007, venue to be determined. ii) Inter-sessional Meetings (General provision) iii) Annual Meeting Reception iv) Scientific Council Special Session v) Hospitality Allowance	 \$71,000 30,000 20,000 5,000 5,000
Re Item 9	Professional Development Training and internships	\$25,000
Re Item 10	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 13	Travel Travel costs associated with the following: i) the Co-ordinating Working Party on Fish Statistics (CWP) 22 nd Session, and the Fisheries Resources Monitoring Systems (FIRMS) Steering Committee 4 th Session, of the Food and Agriculture Organization (FAO) of the United Nations (UN), February 2007, at FAO Headquarters, Rome, Italy; and, ii) Miscellaneous and unforeseen travel; and, iii) the Scientific Council Coordinator's home leave to Sweden; and, iv) the UN Consultative Process on the Oceans and Law of the Sea at UN Headquarters, June 2007, New York, USA; and, v) the Annual Meeting of the International Fisheries Commissions Pension Society, April 2007, Ottawa, Ontario, Canada.	 \$13,000 10,000 7,000 5,000 2,000

Annex 5. Preliminary Calculation of Billing for 2007

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$1,459,000 for the 2007
financial year (based on 12 Contracting Parties to NAFO).
(Canadian Dollars)

Budget Estimate	\$1,459,000.00
Deduct: Amount from Accumulated Surplus Account	<u>162,630.00</u>
Funds required to meet 2007 Administrative Budget	<u>\$1,296,370.00</u>

60% of funds required =	\$777,822.00
30% of funds required =	388,911.00
10% of funds required =	129,637.00

Contracting Parties	Nominal Catches for 2004	% of Total Catch in the Convention Area	10%	30%	60%	Amount Billed
Canada (1)	565,991	52.63%	\$75,018.15	\$32,409.25	\$409,367.72	\$516,795.12
Cuba (1)	1,114	0.10%	-	32,409.25	777.82	33,187.07
Denmark (in respect of Faroe Islands and Greenland) (2)	180,771	16.81%	23,959.93	32,409.25	130,751.88	187,121.06
European Union (1)	56,019	5.22%	-	32,409.25	40,602.31	73,011.56
France (in respect of St. Pierre et Miquelon) (1)	5,534	0.51%	733.49	32,409.25	3,966.89	37,109.63
Iceland	7,588	0.71%	-	32,409.25	5,522.54	37,931.79
Japan	1,861	0.17%	-	32,409.25	1,322.30	33,731.55
Republic of Korea	-	-	-	32,409.25	-	32,409.25
Norway	12,430	1.16%	-	32,409.25	9,022.74	41,431.99
Russian Federation	17,684	1.64%	-	32,409.25	12,756.28	45,165.53
Ukraine	579	0.05%	-	32,409.25	388.91	32,798.16
United States of America (1)	225,779	21.00%	29,925.43	32,409.25	163,342.61	225,677.29
	1,075,350	100.00%	\$129,637.00	\$388,911.00	\$777,822.00	<u>\$1,296,370.00</u>
Funds required to meet 1 January - 31 December 2007 Administrative Budget						<u>\$1,296,370.00</u>

(1) Provisional Statistics used when calculating 2004 nominal catches which have not been reported from Contracting Parties.

(2) Faroe Islands = 6,944 metric tons
Greenland = 173,827 metric tons

Annex 6. Preliminary Budget Forecast for 2008 and 2009
(Canadian Dollars)

		Preliminary Budget Forecast for 2008	Preliminary Budget Forecast for 2009
1.	Personal Services		
	a) Salaries	\$ 822,000	\$ 855,000
	b) Superannuation and Annuities	86,000	89,000
	c) Group Medical and Insurance Plans	75,000	80,000
	d) Termination Benefits	36,000	34,000
	e) Accrued Vacation Pay	1,000	1,000
	f) Overtime Pay	12,000	13,000
2.	Additional Help	15,000 ^a	15,000 ^a
3.	Communications	25,000	25,000
4.	Computer and Web Services		
	Computer and Web Services	25,000	25,000
	Vessel Monitoring System	70,000 ^c	70,000 ^c
5.	Contractual Services	43,000	45,000
6.	Equipment	10,000	10,000
7.	Materials and Supplies	33,000	33,000
8.	Meetings		
	Annual General Meeting and Scientific Council Meetings	78,000 ^b	72,000 ^b
	Inter-sessional Meetings	30,000	30,000
	Scientific Council Special Session	5,000	5,000
	Annual Meeting Reception	20,000	21,000
	Hospitality Allowance	5,000	5,000
9.	Professional development	15,000	15,000
10.	Publications	20,000	20,000
11.	Public Relations	10,000	10,000
12.	Travel	40,000	40,000
		\$1,476,000	\$1,513,000

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

^b Forecasted costs associated with Annual Meetings, September 2008/2009 and Scientific Council Meetings June and November 2008/2009.

^c Vessel Monitoring System forecasts for 2008/2009 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)

**28th Annual Meeting, 18-22 September 2006
Dartmouth, Nova Scotia, Canada**

1. Opening by Vice-Chair

The Vice-Chair, Mr. Gene Martin (United States) opened the meeting at 14 30 hrs on Monday September 18, 2006. The meeting was attended by representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway and the United States of America.

2. Election of the Chair

In December 2005, the former STACFAC Chair (Nadia Bouffard) resigned due to a position change. Canada nominated Mr. Gene Martin as Chair and this motion was seconded by Norway and adopted by acclamation. The delegate from European Union nominated Jeff MacDonald as Vice-Chair and delegates approved this nomination.

3. Appointment of Rapporteur

Ms. Marie-Eve Rouleau (Canada) was appointed rapporteur.

4. Adoption of Agenda

General Council recommended that the IUU List was added to the agenda under item 6bis. This recommendation was approved by the STACFAC delegates and the agenda was adopted as modified.

5. Joint NAFO and NEAFC scheme to promote compliance by NCP vessels (continued discussion on Norwegian proposal – STACFAC WP 04/8)

Norway presented the informal discussion paper that was originally introduced in 2004. There was a general consensus among participants that NAFO and NEAFC should recognize the IUU List elaborated by the other body. Since all members of NEAFC are members of NAFO, it was understood that it may be easier to start this project in NAFO. There was a discussion regarding whether to implement a joint scheme by a Memorandum of Understanding (MoU) between the two organisations or through the convening of a joint meeting.

Norway tabled a proposal (Annex 7) of a MoU that would institute reciprocal recognition by contracting Parties of NAFO and NEAFC of the IUU List in each organisation. In this paper, Norway also presented how the Scheme to promote compliance by NCP vessels contained in NAFO's Conservation and Enforcement measures (CEM) could be amended to implement a joint scheme. Several Contracting Parties supported the concept of amending the articles of the CEM to allow the possibility of recognition of the NEAFC IUU List. There was concern raised, however, that such an amendment may not be appropriate under authorities established in the Convention. After further deliberations, Contracting Parties agreed to move forward with developing the concept of recognizing the NEAFC IUU List by amending the CEM scheme. Contracting Parties volunteered to draft the proposed amendments which are contained in Annex 5. Several Contracting Parties concluded that the draft amendments adequately addressed the concerns previously raised by delegates.

6. Review of 2006 information on activities of non-Contracting Party vessels in the Regulatory Area.

Canada indicated that a joint patrol formed by Canada and EU sighted 5 NCP vessels which are flagged to Georgia. These vessels were sighted by a Canadian patrol vessel at the end of July in division 1F. These vessels have been sighted in the NRA in past years fishing under other names and flags. The vessels were presumed to be fishing oceanic redfish. Based on information provided by Canada and EU, the names of the vessels were as follows:

1. Carmen, former Ostovets
2. Eva, former Oyra
3. Isabella, former Olchan
4. Juanita, former Ostroe
5. Ulla, former Lisa, Kadri

Canada specified that on the last report of the aerial surveillance, these vessels were still present but were not engaged in fishing activities.

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

6bis. IUU List

Delegates first evaluated the letter sent to Georgia by the Secretariat which indicated that the five vessels were placed on a Provisional IUU List and whether the Scheme to promote compliance by non-Contracting party vessels was followed. In general, delegates agreed that the procedure was followed correctly by the NAFO Secretariat and made the following recommendations to the Executive Secretary who was present at the meeting.

Delegates reiterated the importance of the NAFO Secretariat sending the information to the NCP concerned in a timely manner. It is sometimes difficult to contact the Chair before sending the information. To correct this problem and clarify the wording of the Scheme, the Chair and Norway made some suggestions and delegates agreed to amend the following articles:

46.3 At the same time, the Secretariat, to the extent practicable, 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

47.5 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 IMO number, the previous name(s), the previous flag state(s), the radio call signal.

48 a) vessels appearing in the IUU List are not authorized to land, tranship, refuel or re-supply, except for reason of force 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.

Delegates also made recommendations to the Secretariat that the Provisional List be posted on the first page of the secure website to facilitate access to the information by all Contracting Parties. All relevant information such as correspondence or surveillance reports should be included as well.

Regarding the IUU List posted on the NAFO webpage, delegates recommended the Secretariat include direct links to the public IUU Lists of other Regional Fisheries Management Organisations (RFMO). The direct link will ensure that the information is accurate and correspond to the frequent modifications made by each RFMO. Delegates also recommended that the Secretariat add any information or links to such information received from the flag State of the IUU vessel or from the Contracting Parties in the additional information column.

Delegates also recommended that the Secretariat explore access to the Lloyds Registry in order to improve the compiling of information and its distribution to all Contracting Parties and RFMO. Delegates recommended that the Secretariat report to the next STACTIC meeting the feasibility of obtaining access to the Lloyds Registry and the advantages of such access.

Delegates next considered whether to move the vessels on the Provisional List to the IUU List. Given the repeated sightings of these vessels in NAFO and NEAFC Regulatory Areas and the fact that Georgia has not provided any substantive additional information to NAFO concerning these vessels within 30 days after the letter to Georgia was sent, Contracting Parties agreed to recommend to the General Council that these 5 vessels be moved from the Provisional List to the IUU List.

The Chair undertook the task to draft a letter to Georgia (Annex 6) regarding the establishment of the IUU List. The United States agreed to take the responsibility to demarche that letter to Georgia.

7. Review of 2006 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 2006.

There were however transshipment activities by Non-Contracting Party vessels sighted in the NEAFC Regulatory Area. NEAFC Secretariat has informed NAFO of transshipments occurring on the POLESTAR from known IUU vessels.

Canada indicated the excellent cooperation among the Contracting Parties and some non-Contracting Parties as the POLESTAR has still been denied permission to land despite known attempts to do so in Korea, Japan and Hong Kong. Iceland and Norway also made multiple contacts to avoid the landing of the POLESTAR.

The Chair noted these reports indicated that the scheme was successfully hindering the activities of IUU vessels and incurring higher costs to their activities.

8. 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 of species was presented for 2006.

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

Canada presented information regarding its diplomatic contacts. It recalled that in September 2005, a letter was sent to Dominica which resulted in the de-registration of the IUU vessels. This year, Canada contacted Georgia on August 8 regarding the IUU vessels presently in the NRA. On August 16, the Maritime Transport Administration of Georgia sent a letter to the chartered companies of the boats asking them to remove their vessels or to contact NAFO to obtain a licence and quotas. Since then, no Contracting Parties received further information from Georgia.

Norway indicated that it concluded a bilateral fish control agreement with Morocco which includes the refusal to land from vessels listed in the IUU List in NEAFC. Norway encouraged Parties to develop such agreements.

10. Reform of NAFO, in particular the possibility of merging STACFAC and STACTIC

Delegates agreed with the merger of STACFAC and STACTIC for the sake of efficiency and recommended such merger to the General Council. Delegates expressed their hope that STACTIC will be able to invest enough time in the discussions regarding IUU activities by non-Contracting Parties. Delegates recommended to the General Council to amend the Rules of Procedures and the CEM to represent the merging of the two standing committees.

11. Report and Recommendations to the General Council

STACFAC recommends to the General Council that:

1. the five vessels listed in the Provisional List be moved to the IUU List as presented in Annex 4;
2. a letter (Annex 6) signed by the President of NAFO be sent to Georgia to inform the authorities of the inclusion of the five vessels in the IUU List;
3. the General Council review and adopt the proposed amendments to 46.3, 47.5 and, if necessary, 48 a) of the CEM (listed under agenda item 6bis);
4. the General Council review and adopt the proposed amendments of the CEM as listed in Annex 5;
5. amendments to the Rules of Procedures and the CEM be adopted to reflect the merging of STACFAC and STACTIC;
6. the General Council review and approve the recommendations made to the Secretariat as listed under agenda item 6bis;

7. the Secretariat report to the next STACTIC meeting the feasibility of obtaining access to the Lloyds Registry and the advantages of such access;
8. the General Council review and adopt the proposed amendments of the CEM as listed in Annex 9, provided bracketed text is resolved.

12. Other Matters

STACTIC Chair in consultation of STACFAC Chair determined that STACTIC W.P. 06/32 (Revision 4) was more appropriately a STACFAC matter since it involves amendments to the Scheme to promote compliance by non-Contracting party vessels. Delegates agreed to add this item to their agenda. Some reservations were mentioned by delegates and bracketed text was provided. Delegates decided, due to time constraints, to recommend that the General Council review the amendments and take a decision regarding this matter or to defer this item to the next STACTIC meeting.

13. Adjournment

The Committee adjourned at 1230 hr on September 21, 2006.

Annex 1. List of Participants

Name	Contracting Party
Keith Lewis	Canada
Jeff MacDonald	Canada
Marie-Eve Rouleau	Canada
Martin Kruse	Denmark (in respect of Faroe Islands & Greenland)
Hermann Pott	EU
Kristjan Freyr Helgason	Iceland
Jan Pieter Groenhof	Norway
Gene Martin	USA
Deirdre Warner-Kramer	USA

Annex 2. Agenda

1. Opening by the Vice-Chair, Gene Martin (USA)
2. Election of Chair
3. Appointment of Rapporteur
4. Adoption of Agenda
5. Joint NAFO and NEAFC scheme to promote compliance by NCP vessels (continued discussion on Norwegian proposal - STACFAC W.P. 04/8)
6. Review of 2006 information on activities of non-Contracting Party vessels in the Regulatory Area
- 6bis. IUU List
7. Review of 2006 information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area
8. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area
9. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area
10. Reform of NAFO, in particular the possibility of merging STACFAC and STACTIC
11. Report and Recommendations to the General Council
12. Other Matters
13. Adjournment

Annex 3. Provisional List (STACFAC WP 06/3, Rev. 3)

Find below the Provisional List of IUU Vessels for 2005 and 2006. All correspondence and other information related to IUU fishing is compiled in STACFAC W.P. 06/2. At this Annual Meeting STACFAC will for the first time elaborate a NAFO IUU list (black list). To enable STACFAC to do this work, the Secretariat has put together information received from Contracting Parties regarding sightings of NCP vessels in the NRA which are presumed to have undermined the NAFO Conservation and Enforcement Measures.

These tables can also be found on the NAFO member site: <http://members.nafo.int/content/gc/stacfacs/ncp-list.html>

2006 Provisional List of IUU Vessels

<i>Vessel Name (+known previous name)</i>	<i>Current Flag State (known prev. Flag State)</i>	<i>Radio Call Sign (RC)</i>	<i>Registration Number (XR)</i>	<i>IMO Number</i>	<i>Sighting Information Summary</i>	<i>Charterer (Name & Address):</i>	<i>Additional Information</i>
Carmen (Ostovets)	Georgia (Dominica)	4LSK	M-01037	8522030	NAFO Div. 1F; sighted July 25, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Eva (Oyra)	Georgia (Dominica)	4LPH		8522119	NAFO Div. 1F; sighted July 31, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Isabella (Olchan)	Georgia (Dominica)	4LSH	M-843857	8422838	NAFO Div. 1F; sighted July 31, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Juanita (Ostroe)	Georgia (Dominica)	4LSM		8522042	NAFO Div. 1F; sighted July 30, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Ulla (Lisa, Kadri)	Georgia (Dominica)	unknown	unknown	8606836	NAFO Div. 1F; sighted July 23, 2006	(Operated by): Global Invest Ltd. Calle 1, Laloma Edificio Peach Tree, Apt. 3(A) Panama City, Panama	

2005 Sightings of NCP Vessels								
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, 2005 by Dominica Sept 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 4. IUU List

IUU List of Vessels for 2006

<i>Vessel Name (+known previous name)</i>	<i>Current Flag State (known prev. Flag State)</i>	<i>Radio Call Sign (RC)</i>	<i>IMO Number</i>	<i>Sighting Information Summary</i>	<i>Additional Information</i>
Carmen (Ostovets)	Georgia (Dominica)	4LSK	8522030	NAFO Div. 1F; sighted July 25, 2006	
Eva (Oyra)	Georgia (Dominica)	4LPH	8522119	NAFO Div. 1F; sighted July 31, 2006	
Isabella (Olchan)	Georgia (Dominica)	4LSH	8422838	NAFO Div. 1F; sighted July 31, 2006	
Juanita (Ostro)	Georgia (Dominica)	4LSM	8522042	NAFO Div. 1F; sighted July 30, 2006	
Ulla (Lisa, Kadri)	Georgia (Dominica)	unknown	8606836	NAFO Div. 1F; sighted July 23, 2006	

Annex 5. Changes proposed in order to recognise NEAFC IUU-listed vessels through the NAFO CEM

Article 42:

New para 1 bis (para between existing para 5 and 6):

For the purposes of paragraph 1, recognizing the adjacent boundary of the NRA with the Convention Area of North East Atlantic Fisheries Commission (NEAFC); the existence of stocks that straddle the boundary between these areas; and the global nature of IUU vessel activities, a non-Contracting Party vessel that has been placed on the NEAFC IUU list is presumed to be engaging in fishing activities in the NRA and thereby undermining the effectiveness of Conservation and Enforcement Measures.

Changes with regard to existing para 2

Information regarding sightings or identifications as specified in paragraph 1...

Article 47:

New 5 bis (para between existing para 5 and 6)

The Secretariat shall transmit the IUU List and any relevant information regarding the list, including the reasons for listing or de-listing each vessel, to the Secretariat of NEAFC with a request to circulate this to all NEAFC Contracting Parties. The Secretariat shall also circulate the IUU List to other Regional Fisheries Management Organisations.

New 6 bis (para after existing para 6)

Upon receipt of NEAFC's IUU List and any relevant information regarding the list, the Secretariat shall circulate this information to the Contracting Parties. Notwithstanding paragraph 2, vessels that have been added to or deleted from the NEAFC IUU List that are flagged to non-Contracting Parties shall be incorporated into or deleted from the NAFO IUU List as appropriate, unless any Contracting Party objects within 30 days of the date of the transmittal by the Secretariat on the grounds that:

1. there is satisfactory information to establish that any of the requirements in paragraph 3 a) – d) have been met with regard to a vessel placed on the NEAFC IUU list, or
2. there is satisfactory information to establish that none of the requirements in paragraph 3 a) – d) have been met with regard to a vessel taken off the NEAFC IUU list.

In the event of an objection to a NEAFC IUU-listed vessel being incorporated into or deleted from the NAFO IUU List, such vessel shall be placed on the Provisional List. Article 46 shall not apply to vessels placed on the Provisional List pursuant to this paragraph.

Annex 6. Letter to Georgia from the President of NAFO

Address (appropriate interlocutor, Georgia Foreign Ministry, Georgia Ministry of Agriculture, and Georgia Maritime Transport Administrator)

On behalf of the Contracting Parties to the Northwest Atlantic Fisheries Organization (NAFO) and further to our correspondence of August 11, 2006, we are writing to inform you that the following five fishing vessels flagged to Georgia have been placed on NAFO's Illegal, Unreported and Unregulated (IUU) List of fishing vessels: *Carmen* (IMO # 852203), *Eva* (IMO # 852219), *Isabella* (IMO # 8422838), *Juanita* (IMO# 8522042), and *Ulla* (IMO# 8606836). This action was taken at NAFO's annual meeting (18-22 September 2006) as a follow-up to these fishing vessels being placed on NAFO's Provisional IUU List. Your government was informed in the letter from NAFO on August 11, 2006 (Attachment 1) that these vessels were being placed on the Provisional IUU list based on sightings of the vessels in the NAFO Regulatory Area by a Canadian patrol vessel. These vessels are presumed by NAFO to be undermining the effectiveness of the NAFO's Conservation and Enforcement Measures (see Attachment 1).

In the August 11 letter, you were requested to take measures in accordance with Georgia's applicable legislation to ensure that the vessels in question desist from any activities that undermined the effectiveness of the NAFO Conservation and Enforcement Measures. You were also asked to report to the NAFO Secretariat by September 10, 2006, of the results of any inquiries/measures Georgia has taken in respect of the vessels concerned. In a letter dated September 8, 2006, Georgia's Ministry of Agriculture informed NAFO that it was looking into this matter and would be sending results later. In the absence of any further information concerning remedial actions taken towards these vessels, NAFO Contracting Parties unanimously agreed to place them on the NAFO IUU list. You may be interested to know that all of these vessels have been previously sighted in the NAFO Regulatory Area flying the flag of other flag states and following notification by NAFO, these flag states de-registered the offending vessels.

As provided in Article 47 of NAFO's Conservation and Enforcement Measures, a vessel may be removed from the NAFO IUU List if the vessel's flag state provides certain information warranting the removal. As long as these vessels remain on the NAFO IUU List, they are subject to significant punitive actions by NAFO Contracting Parties, as outlined in Article 48, including the closing of ports to the vessels, the prohibition of transshipments to Contracting Party vessels, the prohibition on licenses to fish in waters of NAFO Contracting Parties and possible trade-related actions by Contracting Parties. In addition, the NAFO's IUU List is posted on a public web site of NAFO and Contracting Parties will share the list with other Regional Fisheries Management Organizations and other non-contracting parties so that such entities may take appropriate action against these vessels.

We trust that Georgia will take appropriate action against these vessels and look forward to receiving information concerning any such actions.

Sincerely,

David Bevan
President of NAFO

cc: other appropriate entities

**Annex 7. On Cooperation with regard to Compliance by
non-Contracting Party vessels** (presented by Norway)
(STACFAC Working Paper 06/5 (Revised))

In order to improve effectiveness of the NAFO and NEAFC Schemes to promote compliance by non-Contracting Party vessels, it is suggested that NAFO and NEAFC Contracting Parties should mutually recognise IUU lists of NEAFC and NAFO respectively with regard to vessels flagged to neither NAFO nor NEAFC Contracting Parties.

This may be achieved either through an MoU between NAFO and NEAFC, or through a binding mechanism whereby the NAFO and NEAFC schemes are amended to allow IUU vessels of the other organisations to be placed on the IUU list of the other organisation through a decision mechanism of that organisation.

Attached are alternative proposals to achieve the stated objective.

Notes to the MoU alternative:

With such an MoU, under NAFO, it would likely be up to each state to apply the measures in accordance with the NCP scheme, article 48 – which places obligations on the Contracting Parties, and not on the organisations.

The decision making mechanisms of NAFO and NEAFC would not apply unless an explicit decision procedure for mutual recognition was provided for.

IUU lists refers to non-provisional lists in both organisations.

Notes to the proposal for a binding mechanism:

Rights to object under relevant decision making mechanisms would apply as usual.

Relevant changes could also be made "unilaterally" in the NCP scheme of either NAFO or NEAFC. Relevant changes could otherwise be coordinated in a joint meeting of NAFO and NEAFC.

MoU

between

Northwest Atlantic Fisheries Organisation (NAFO)

and

North East Atlantic Fisheries Commission (NEAFC)**On Cooperation with regard to Compliance by non-Contracting Party vessels**

The Contracting Parties to NAFO and NEAFC, hereinafter the Contracting Parties,

Desiring to promote the long term conservation and sustainable use of the fishery resources of the North Atlantic area, and accordingly to encourage international cooperation and consultation with respect to these resources,

Committed to responsible fisheries as well as to combat Illegal, Unreported and Unregulated (IUU) activities,

Recognising that IUU activities undermine the efficiency of the relevant regulatory measures in the NAFO and NEAFC areas and the effectiveness of the relevant conservation and enforcement measures,

Desiring to improve effectiveness of the NAFO and NEAFC Schemes to promote compliance by non-Contracting Party vessels,

Hereby agree as follows:

1. The Contracting Parties shall mutually recognise IUU lists of NAFO and NEAFC respectively with regard to vessels flagged to neither NAFO nor NEAFC Contracting Parties.
2. To this effect,
 - a. NAFO Contracting Parties undertake to apply relevant follow-up actions pursuant to Article 48 of the NAFO Control and Enforcement measures to non-Contracting Party vessels on the NEAFC B-list.
 - b. NEAFC Contracting Parties undertake to apply relevant follow-up actions pursuant to Article 11 of the Non-Contracting Party Scheme of NEAFC to non-Contracting Party vessels placed on the NAFO IUU list.
3. NAFO and NEAFC secretariats shall, immediately after the adoption of the respective IUU list of NAFO or NEAFC, submit to the other organisation and all Contracting Parties the relevant information regarding such lists, including the reasons for listing or de-listing each vessel.
4. The above is without prejudice to a Contracting Party's right to implement these requirements in conformity with its international obligations and its national legislation, and without prejudice to the right of NAFO and NEAFC to retain or delete an IUU vessel from their respective lists independently of the other organisation.

Scheme adjustment

In the relevant NCP Schemes of NAFO and NEAFC;

- 1) add provisions to the effect that NAFO and NEAFC secretariats shall, immediately after the adoption of the respective IUU list of NAFO or NEAFC, submit to the other organisation and all Contracting Parties to both organisations the relevant information regarding such lists, including the reasons for listing or de-listing each vessel.

- 2) add provisions that the relevant decision making authorities of NAFO and NEAFC shall place such non-Contracting Party vessel listed in the other organisation on their IUU list, unless an explicit decision is made not to put it on.

add provisions that the relevant decision making authorities of NAFO and NEAFC shall take such non-Contracting Party vessel de-listed in the other organisation off their IUU list, unless an explicit decision is made to keep it on.

**Annex 8. Letter from NAFO to Georgia (from STACFAC WP 06/2)
and response from Georgia**



Northwest Atlantic Fisheries Organization

P.O. Box 638 • Dartmouth • Nova Scotia • B2Y 3Y9 • Canada
Telephone (+1-902) 468-5590 • Fax (+1-902) 468-5538
Email: info@nafo.int • Website: www.nafo.int

In all correspondence
please refer to:

GFS/06-327

11 August 2006

Honourable Mr. Mikheil Svimonishvili
Minister of Agriculture of Georgia
41, Kostava str.
Tbilisi 0179
Georgia

Dear Mr. Minister:

I am writing to you on behalf of the Contracting Parties to the Northwest Atlantic Fisheries Organization (NAFO). NAFO has received information that the following five fishing vessels flagged to Georgia were sighted in the NAFO Regulatory Area and contacted by the Canadian patrol vessel *George R. Pearkes*: *Carmen*, *Eva*, *Isabella*, *Ulla*, and *Juanitaimo* (see Attachment 1). The vessels are suspected to having conducted unauthorized fishing operations in the NAFO Regulatory Area and thus undermined the effectiveness of the NAFO Conservation and Enforcement Scheme (Attachment 2). According to Article 42 of the NAFO Conservation and Enforcement Measures, the NAFO Secretariat has therefore included these vessels on a provisional list of IUU vessels.


You are hereby kindly requested to take measures in accordance with Georgia's applicable legislation to ensure that the vessels in question desist from any activities that undermine the effectiveness of the NAFO Conservation and Enforcement Measures. The NAFO regulations also require that you report to the Secretariat within 30 days from the date of this letter, i.e. by the 10 September 2006, on the results of enquiries and/or measures Georgia has taken in respect of the vessels concerned.

You are cordially invited to attend as an observer the next Annual Meeting of NAFO that will take place in Dartmouth, Nova Scotia, Canada, from the 18 to the 22 September 2006. At this meeting, the NAFO General Council and its "Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area" (STACFAC) will be considering recommendations with respect to the composition of the NAFO IUU List. Your attendance at the meeting will give you an opportunity to further respond to NAFO's request.

I thank you in advance for your earliest possible attention to these matters, and I look forward to your prompt reply on any information you have with regard to the activities of the five vessels mentioned above as well as any appropriate actions taken by Georgia regarding these vessels.

With my highest considerations,

Dr. Johanne Fischer
Executive Secretary

From: [info](#) Sent: Fri 9/8/2006 8:00 AM
To: [Johanne Fischer](#)
Cc: [Bev McLoon](#)
Subject: FW: Ministry of Agriculture of Georgia
Attachments:  [Ministry of Agriculture](#)

Dear Dr.Johanne Fischer,

Let me inform you, that the Ministry of Agriculture of Georgia received your official letter dated on 11 August 2006 regarding vessels flagged to Georgia which were conducting unauthorized fishing operations in NAFO regulatory area.

We are checking out this matter and we'll answer you the results in nearest days.

Thank you for cooperation,

With best regards,

Levan Chikovani
MINISTRY OF AGRICULTURE OF GEORGIA
Department of Cooperation with International
Organizations and Project Management
Deputy Head

Tel.: +995 32 931958
Mob.: +995 99 769004
Email: lichikovani@yahoo.com

Annex 9. Proposal to modify the IUU measures
(STACTIC Working Paper 06/32 (Revision 4))

Background

The proposal modifies the article 48 concerning the follow-up of IUU vessels in order to ensure the coherence with the NEAFC measures.

Proposal to amend Article 48 "Follow-up action"

Article 48

The text of Article 48 is replaced by the following:

Contracting Parties shall take all the necessary measures **[to the extent possible in accordance with their applicable legislation]** with regard to vessels on the IUU List, including:

- a) prohibiting fishing vessels, support vessels, refueling vessels, the mother-ships and cargo vessels flying their flag to assist [IUU vessels] **[vessels on the IUU List]** in any way, engage in fish processing operations or participate in any transshipment or joint fishing operations with vessels on the IUU List;
- b) prohibiting the supply of provisions, fuel or other services to vessels on the IUU List.
- c) prohibiting the entry into their ports of such vessels, except in case of force majeure;
- d) prohibiting the change of crew, except as required in relation to force majeure;
- e) refusing authorization of such vessels to fish in waters under their national jurisdiction;
- f) prohibiting the chartering of such vessels;
- g) refusing to entitle such vessels to fly their flag;
- [h) prohibiting where traceable the imports of fish coming from such vessels;]
- i) prohibiting the landing of fish coming from such vessels;
- j) encouraging importers, transporters and other sectors concerned, to refrain from negotiating and from transshipping of fish caught by such vessels;
- k) collecting and exchanging any appropriate information regarding vessels appearing on the IUU List 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.

SECTION III
(pages 155 to 214)

**Report of the Fisheries Commission and its Subsidiary Body
(STACTIC), 28th Annual Meeting
18-22 September 2006
Dartmouth, Nova Scotia, Canada**

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PART I

Report of the Fisheries Commission Meeting

(FC Doc. 06/14)

28th Annual Meeting, 18-22 September 2006

Dartmouth, Nova Scotia, Canada

I. Opening Procedures (*Agenda items 1-5*)

1. Opening Remarks by the Chairman, V. Shibanov (Russia)

The meeting was opened by the Chair, Vladimir Shibanov (Russia), at 12:07 hrs on Monday, September 18, 2006. Representatives from the following Contracting Parties (CPs) were in attendance: Canada, Cuba, Denmark (in respect of the Faroes 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).

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 made by the Fisheries Commission (Annex 2).

3. Adoption of Agenda

The agenda was **adopted** with an addition (Annex 3). The election of Vice-Chair was included as item 19.1 under "Other business".

4. Guidance to STACTIC necessary for them to complete their work

The STACTIC Chair Mads Nedergaard presented the results of STACTIC June 2006 meeting (see item 7). Most of the agenda items concerning NAFO Reform remained inconclusive and the items were included in the September Annual Meeting agenda.

Recognizing the importance of the Reform issues, the EU suggested that STACTIC should focus on these issues at the September Annual Meeting. If necessary, the other STACTIC agenda items unrelated to Reform would have to be postponed. Norway and Canada agreed with the suggestion. The priority areas with respect to Reform that STACTIC should discuss are:

- Definition of infringements, including categories of seriousness of the infringements.
- Revision of the definition and requirement of re-routing vessels issued with Apparent Infringements to port for inspection.
- Clear interpretation of the NAFO Conservation and Enforcement Measures concerning by-catches, directed fisheries, and stowage plans.
- Measures concerning IUU and the establishment of a list of vessels involved in IUU activities.
- Port Inspection procedures.
- Establishment of guidelines implementing sanctions.

Concerning the area of sanctions, it was suggested by Norway that there should be a comparative analysis of the sanctions that flag States impose on their vessels. In addition, recognizing that the Monitoring, Surveillance and Control (MSC) measures might take time before they are implemented, STACTIC should also consider precautionary measures such as withdrawals or suspensions (see item 9).

5. Guidance to Scientific Council necessary for them to complete their work

The Chair of Scientific Council (SC), Antonio Vazquez (EU/Spain) presented scientific advice and other issues. Other than details on advice on yellowtail flounder, shrimp, and Greenland halibut stocks, questions arising from the presentation related mainly to other issues determined by the SC Chair (see item 10b). The deliberations on these issues, as well as the scientific advice, are presented in item 10.

II. Administrative (*Agenda item 6*)

6. Review of Commission Membership

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

III. Conservation and Enforcement Measures (*Agenda items 7-9*)

7. Report of STACTIC, June 2006 (Copenhagen)

The STACTIC June 2006 report (FC Doc. 06/2) was presented under agenda item 4.

8. Review of Chartering Arrangements

A report on the chartering arrangements was presented by the NAFO Secretariat (FC Working Paper 06/4). The Secretariat clarified upon an inquiry from the EU that the requirements stipulated in the Conservation and Enforcement Measures concerning chartering arrangements are complied with by the Contracting Parties involved.

9. Report of STACTIC at the Annual Meeting

The Chair of STACTIC, Mads Trolle Nedergaard (DFG) presented the STACTIC Report to the Fisheries Commission. As instructed, the STACTIC focused on the Reform issues on strengthening MSC measures (see item 4). In this regard, STACTIC produced six working papers containing recommendations on the changes of the CEM (STACTIC WP 06/27 Rev. 2 – WP 32 Rev.4). They covered the following specific areas:

- By-catch provisions (Article 9)
- Infringements and Serious Infringements (Articles 32 and 33)
- Follow-up actions under Joint Inspection and Surveillance Scheme (Chapter IV)
- Enforcement Measures (new Article)
- Provisions concerning Illegal, Unreported, Unregulated (IUU) fishing activities of Non-Contracting Parties (Article 48).

The recommendations on the revision of the Conservation and Enforcement Measures (CEM) contained in these working papers were subjected to intense deliberations and underwent revisions. The agreed revisions (except on IUU) were “packaged” in a single document FC Working Paper 06/23 (Annex 4) which was **adopted**. The new measures are part of the NAFO Reform initiative in accordance with paragraph 4c of the St. John’s Declaration which was adopted at the 2005 Annual Meeting.

The recommendations concerning IUU were forwarded to STACFAC for review. STACFAC forwarded the recommendations to the General Council for adoption (see Annex 9 of the STACFAC report, and the GC report).

In addition, a proposal from Iceland for an Observer Scheme based on the Observer Pilot Project as an option to the current Observer Program was forwarded to the FC for adoption. This is presented in item 13.

The agenda items requiring action by the FC and not related to Reform issues were deferred to the next intersessional meeting.

The Fisheries Commission **accepted** the STACTIC Report.

IV. Conservation of Fish Stocks in the Regulatory Area (*Agenda items 10-15*)

10. Summary of Scientific Advice by the Scientific Council

Stock Assessments and recommendations (Scientific Council Chair)

The SC Chair, Antonio Vazquez (EU/Spain), presented a summary of the scientific advice to Fisheries Commission for 2007 and 2008. Details of the scientific advice are contained in Scientific Council Reports (2005) from November 2005 and in SCS Doc. 06/22 from the June 2006 meetings.

The SC Chair also presented trends of the physical environment (oceanography) of the NAFO waters and their influence on the marine resources. The highlights of the oceanographic conditions were:

- Air temperatures were above normal from West Greenland to the Scotian Shelf.
- The upper waters of the Labrador Sea were the warmest in the past 16 years.
- Sea surface temperatures were warmer than normal from the Labrador Sea to the Scotian Shelf.
- Ocean temperatures on the Newfoundland and Labrador Shelf remained well above normal, continuing the warm trend experienced since the mid-to-late 1990s.
- Sea-ice coverage remained below normal for the 11th consecutive year on the Newfoundland and Labrador Shelf.
- Historical data shows evidence that warm-saline ocean conditions were favourable for fish production (e.g. cod, capelin, salmon)
- Periods of colder conditions (e.g. early 1900s) coincided with increased invertebrate production (crab, shrimp).
- 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 2007:

Species	Recommendation for 2007
Shrimp in Division 3M	TAC of 48 000 t.
Shrimp in Divisions 3LNO	TAC of 22 000 t for 2007 and should not be raised for a number of years to allow time to monitor the impact of the fishery upon this shrimp stock. The fishery should be restricted to Division 3L. The use of a sorting grid with a maximum bar spacing of 22 mm should be mandatory for all vessels in the fishery.
Greenland halibut in Subarea 2 and Divisions 3KLMNO	<p>SC noted that the 2004 and 2005 catches of 25 500 and 23 000 tons exceeded the rebuilding plan TAC by 27% and 22% respectively. It strongly recommends that steps should be taken to ensure that any bycatches of other species during the Greenland halibut fishery are true and unavoidable bycatches.</p> <p>Projections were conducted assuming that the catches in 2006 and 2007 do not exceed the rebuilding plan TAC and with catches in excess of 20%. Results indicate that for both scenarios fishing mortality is projected to remain relatively high, and projected biomass remains below the exploitable biomass in 2003 when the rebuilding plan was implemented. In all of these projection scenarios, the 2009 exploitable biomass remains well below the target level of biomass specified in the FC rebuilding plan. The SC noted that F should be reduced to a level no higher than F0.1 in order to provide a consistent increase of the 5+ exploitable biomass.</p>

The following stocks were fully assessed including elaboration of a scientific advice for 2007 and 2008:

Species	Recommendation for 2007/2008
Cod in Division 3M	No directed fishery for 2007-2008. Bycatch should be kept to the lowest possible level.
American Plaice in Division 3M	No directed fishery for 2007-2008. Bycatch should be kept to the lowest possible level.
Witch flounder in Divisions 3NO	No directed fishery for 2007-2008. Bycatch should be kept to the lowest possible level.
Yellowtail flounder in Divisions 3LNO	TAC should not exceed 15,500 t for 2007 and 2008 based on current harvest level $F=2/3F_{msy}$. Under the Precautionary Approach Framework, the stock is in the safe zone at the current fishing regime. Projections were made under three different fishing mortality levels of 0.67, 0.75 and 0.85 of F_{msy} . The probabilities of the biomass falling below B_{msy} during the next 10 years were low under all of these levels of fishing mortality.
Thorny skates in Divisions 3LNOPs	Should be managed as a single unit – Div. 3LNOPs. TAC should not exceed 11,000 t in Div. 3LNOPs.
Squid (<i>Illex</i>) in Subareas 3+4	TAC for 2007-2008 should be between 19,000 – 34,000 t.

The following stocks were monitored and the SC found no significant change in the status for any of these stocks. There was no reason to change the advice given:

- Cod at Div. 3NO
- American plaice in Div. 3LNO
- Witch flounder in Div. 3L
- Redfish in Div. 3M
- Redfish in Div. 3O
- Capelin in Div. 3NO
- White hake in Divs. 3NO

Following special requests by the Fisheries Commission the following advice or comments were presented:

Species/Stocks/Topics	Advice and/or Comments
Redfish in Division 3O (mesh size)	The reduction of mesh size from 130 to 90-100 mm for bottom trawl fisheries is not supported.
Spiny Dogfish	Spiny dogfish occurring in the NRA constitute only a tiny fraction of the northwest Atlantic population. Only fish > 58 cm are observed on the Grand Banks indicating that early life history does not occur there.
Black Dogfish	Black dogfish is a bathydemersal species distributed along the entire length of Canadian and NRA slope waters mainly at depths > 700 m and also in the Laurentian Channel at depths of 350-600 m. Information on stock structure is conjectural but all evidence suggests that black dogfish in Canadian waters form a single stock and is different from those off Greenland.
Pelagic <i>Sebastes mentella</i> (redfish) in Subareas 1-3 and adjacent ICES Area	ICES continues to work on stock identity. Current studies are inconclusive. ICES recommended no fishing take place unless there are clear indications of recovery.
Identification of deepwater habitats and Ecologically and Biologically Significant Areas (EBSA)	SC recommends that criteria are developed for identifying sensitive areas. The collection of biological information important for safeguarding habitats from CP fishing surveys be incorporated as a standard routine in the surveys in the

	area, and further studies on bycatch be undertaken. Fishing in sensitive areas, for example on and around sea mounts be monitored possibly by the provision of summary information based on VMS. Contracting Parties should identify the expertise necessary to allow SC in addressing issues relating to safeguarding habitats.
Observer Program	SC recommends that scientific sampling by the NAFO Observer Program should manage to cover sampling catches of those CPs that do not have their own programs, and that the electronic recording forms designed by the Secretariat be adopted for use by the NAFO Observer Program for that purpose.
Seals	NAMMCO's request to be included in the ICES-NAFO WG on Harp and Hooded Seals is rejected.

b) Other issues (as determined by SC)

- **STATLANT21.** The SC Chair apprised the FC of the new deadline for the submission of STATLANT 21A and STATLANT 21B fisheries statistics -- May 01 and August 31, respectively.
- **VMS on catch and effort data be made available to SC for stock assessment purposes.** Concerns were expressed about the confidentiality issues in making the VMS data available. A proposal was made to make the VMS data available in summary form conforming to the confidentiality requirement (FC WP 06/13 Rev.). The proposal was **adopted**. (Annex 5)
- **Proposal to require monthly provisional catch submissions by flag State.** The EU indicated that this will entail difficulty in implementation. No action was taken on this proposal.
- **OMEGA Mesh Gauge.** FC was informed that this instrument for measuring mesh sizes was adopted by SC as the standard tool in its scientific studies. FC might consider this instrument for the inspectors to use for compliance/inspection purposes. FC referred this matter to STACTIC.

11. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2007

11.1 Cod in Div. 3M

In accordance with the scientific advice, it was decided that the moratorium and other provisions for this stock be continued in 2007 and 2008. By-catch provisions as formulated in the NAFO CEM Article 9 apply.

11.2 American plaice in Div. 3M

In accordance with the scientific advice, it was decided that the moratorium and other provisions for this stock be continued in 2007 and 2008. By-catch provisions as formulated in the NAFO CEM Article 9 apply.

11.3 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 2006 provisions be applied in 2007 and noted the reservation of Iceland.

A proposal to revise the CEM articles relevant to 3M shrimp fisheries (FC Working Paper 06/24) – Article 19 Product Labelling Requirements, and Article 20 Recording of Catch and Stowage – was **adopted**. (Annex 6)

12. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2007

12.1 Witch flounder in Divs. 3NO

In accordance with the scientific advice, it was decided that the 2006 moratorium and other provisions for this stock be continued in 2007 and 2008. By-catch provisions as formulated in the NAFO CEM Article 9 apply.

12.2 Yellowtail flounder in Divs. 3LNO (PA framework)

The USA proposed a TAC of 17 200 for years 2007-2008 and an allocation scheme described in FC Working Papers 06/2 and 06/20. No consensus was reached on this proposal. It was decided that the allocation scheme of 2006 be applied in 2007. The TAC is 15 500 t, based on the scientific advice. The USA registered its reservation to this decision.

12.3 Thorny skate in Divs. 3LNO

It was agreed that the TAC of 13 500 t and the allocation scheme be maintained for 2007. The US noted that the SC advice for this stock is 11 000 t in Divs. 3LNOPs.

12.4 Squid (*Illex*) in Subareas 3 and 4

It was agreed that the TAC of 34 000 t and the allocation scheme be maintained for 2007 and 2008. Canada has noted that this stock has shown a potential for increased productivity and reserves the option to consider a higher TAC for 2008.

12.5 Greenland halibut in Subarea 2 and Divs. 3KLMNO (rebuilding plan)

It was decided that the Rebuilding Plan for Divs. 3LMNO Greenland halibut will be continued for 2007. Therefore, the TAC of 11 856 t in Divs. 3LMNO for 2007 which had been adopted in the framework of the Rebuilding Plan will remain unchanged. According to the Rebuilding Plan, the TAC for Greenland halibut in Subarea 2 and Divisions 3KLMNO is 16 000 tons for 2007.

12.6 Shrimp in Divs. 3LNO

No action was taken concerning the TAC and the allocation scheme. Based on the SC advice, the TAC for 2007 remains at the 2006 level, i.e. 22 000 t. It was also decided that the provisions of the 2006 allocation scheme be applicable in 2007. The reservation of Denmark (in respect of Faroes and Greenland) on the allocation scheme was noted.

A proposal to revise the CEM Articles relevant to 3L shrimp fisheries (FC Working Paper 06/24) – Article 6 Shrimp in Division 3L, Article 19 Product Labelling Requirements, and Article 20 Recording of Catch and Stowage – was **adopted**. (Annex 6)

A proposal from Denmark (in respect of the Faroes and Greenland) to amend the time restrictions for 3L fishery (FC WP 06/15) was **adopted**. (Annex 7)

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

It was decided that the TAC in 2007 is 16 914 t. The allocation scheme of the 2006 provision applies in 2007. The TAC is based on a 17% reduction of TAC for this shared stock by NEAFC effective March 14, 2006. It was noted that the 2007 TAC may be revised accordingly when NEAFC determines its new TAC in November 2006, following the procedure described in Footnote 10 of the Quota Table.

The proposal to append an item e) paragraph 1 of Article 10 of the CEM was **adopted** to read (FC Working Paper 06/17 Rev.): Article 10. Gear Requirements 1. Minimum authorized mesh size shall be as follows: e) 100 mm for pelagic *Sebastes mentella* (oceanic redfish) in Sub-area 2 and Divisions 1F & 3K. (Annex 8)

Footnote 10 was revised to read: “In case of the NEAFC decision which modifies the level of TAC in 2007 as compared with 2006, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote.”

12.8 Redfish in Div. 3O (minimum mesh size)

In view of the Scientific Council stand that it does not support reducing the current minimum mesh size of 130 mm of bottom trawl gears for this fishery, deliberations ensued on the issue of harmonization of the mesh size regulations in the Canadian EEZ (currently 90 mm) and NAFO Regulatory Area. The FC has forwarded a request to the SC to evaluate the scientific justification of the mesh size harmonization (item 8 of FC Working Paper 06/22) (Annex 11), addressing among others the ramifications on the bycatch of American plaice and cod.

12.9 Management of Currently Unregulated Stocks

i. Spiny dogfish

ii. Black dogfish

No specific management measures were formulated for these elasmobranch species. The USA stressed that at the 1998 Annual Meeting, a recommendation from the Scientific Council that catch reporting of elasmobranchs (sharks, skates, rays and chimaeras) be made in a maximum degree of detail, i.e. species level was adopted. The detailed reporting has never been practiced as confirmed by the Scientific Council. The USA reiterated that the practice of catch reporting of elasmobranchs should be consistent with the 1998 adopted recommendation, and that progress should be reported for consideration at the 2007 Annual Meeting (FC Working Paper 06/12).

The Quota Table for 2007, Effort Allocation Scheme for Shrimp Fishery in NAFO Division 3M, 2007 and Rebuilding Plan for 3LMNO Greenland halibut (CEM Annexes I.A, I.B, I.C, respectively) can be found in Annex 9 to this Report.

13. Structure and Coverage of Observer Program

Iceland proposed an Observer Scheme based on the Pilot Project on Observers as an option to the current observer program (STACTIC WP 06/33 Rev. 3). The proposed scheme, according to Iceland, has proven to be less costly and more efficient than the current observer program. It entails 25% coverage in contrast to the 100% in the current scheme. Contracting Parties will have the option to implement either the proposed or the existing observer scheme. The proposal was supported by Norway, Denmark (in respect of Faroes and Greenland), and the EU. Russia expressed support for the current Observer Scheme. Ukraine expressed its reservation on the proposal maintaining that any observer scheme should have coverage not lower than 50%. The proposal was **adopted** noting the position of Russia and the reservation of Ukraine. (Annex 10)

14. Reform of NAFO (issues outlined in paragraph 5 of the St. John’s Declaration)

Canada presented a discussion paper on the management fishing capacity in the NAFO Regulatory Area (FC Working Paper 06/9) and a proposal for an action plan on fishing capacity management (FC Working Paper 06/10). The proposed action plan entails establishment of a working group to define and assess the problem of overcapacity in fisheries that could undermine the conservation objectives of NAFO. Under the action plan, the working group would make recommendations to the Fisheries Commission on corrective actions and develop a formal NAFO Plan of Action for the Management of Fishing Capacity in all its fisheries. The EU indicated it deals with the issue of management of fishing capacity concerning its fleet as an “everyday issue” and considers the proposal in its current form redundant. There was no further discussion on the proposal and no action was taken at the meeting.

15. Formulation of Request to the Scientific Council for scientific advice on the management of fish stocks in 2008

The Fisheries Commission **adopted** the paper containing its request for scientific advice to the Scientific Council (FC WP 06/22 Rev.). (Annex 11)

V. Ecosystem Considerations (*Agenda items 16-17*)

16. Areas of Ecological and Biological Significance in the NAFO Area.

A resolution proposed by USA and Japan on protecting sea turtles in the NAFO Convention Area (FC WP 06/14) was **adopted**. (Annex 12)

With the objective of protecting vulnerable habitats and other ecologically sensitive areas in the NAFO Area, Canada proposed a closure to all fishing activities on and around four seamounts within the defined coordinates. Russia expressed its view that the closure should be limited only to bottom fishing gears. The President (who chaired the meeting when this item was discussed) gave the task to the Secretariat to revise the text of the proposal by incorporating the term “demersal” or “groundfish” to accommodate the position of Russia. The proposal (FC WP 06/11 Rev. 5) was **adopted** with this understanding. (Annex 13). It was also agreed that this action was an initial step that could be followed by additional action.

17. Role of Seals in the Marine Ecosystem

Denmark (in respect of Faroes and Greenland) expressed surprise at the recommendation of the SC to reject NAMMCO’s request to be included in the NAFO-ICES Working Group on Harp and Hooded Seals, noting that the SC had itself recognised the need to seek expertise in other international bodies on questions related to the ecosystem. Recognizing the importance of seals as top predators in the fisheries ecosystem, it was stressed that NAFO should be abreast with the latest available information on the role of seals and their impact on fish stocks in the NAFO area. In this regard, SC was requested to provide the Fisheries Commission at its next Annual Meeting with an update on the knowledge related to the role of seals in the marine ecosystem of the Northwest Atlantic, taking into account the work of other relevant organizations, including ICES and NAMMCO (see item 7 of FC WP 06/22 Rev.). (Annex 11)

VI. Closing Procedure (*Agenda items 18-20*)

18. Time and Place of the Next Meeting

This item was deferred to the General Council which decided that the next Annual Meeting will be held during 24-28 September 2007 in Lisbon, Portugal.

19. Other Business

i. Election of Vice-Chair

Kate Sanderson of Denmark (in respect of Faroes and Greenland) was unanimously elected Vice Chair to replace Kolbeinn Arnason of Iceland.

20. Adjournment

The meeting was adjourned at 14:00 on Friday, 22 September 2006.

Annex 1. List of Participants

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Annex 2. Record of Decisions by the Fisheries Commission

Substantive Issues (Agenda item):	Decision/Action:
7 and 9. Report of STACTIC June 2006 and Report of STACTIC September 2006	Accepted
8. Review of Chartering Arrangement	Noted FC WP 06/04
10. Summary of Scientific Advice by the Scientific Council b) ii. VMS data be made available to the SC for stock assessment purposes	Noted Scientific Council Chair's report Adopted FC WP 06/13 (Rev.) (FC Doc. 06/6)
11. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2006	(see 2007 Quota Table)
11.1 Cod in Division 3M	The 2006 provisions for this stock will be applied in 2007 and 2008. By-catch provisions as stipulated in the NAFO CEM apply.
11.2 American plaice in Division 3M	The 2006 provisions for this stock will be continued in 2007 and 2008. By-catch provisions as stipulated in the NAFO CEM apply.
11.3 Shrimp in Division 3M	The 2006 provisions will be applied in 2007. The reservation of Iceland was noted. Adopted FC WP 06/24. (FC Doc. 06/12)
12. Management of Technical Measures for Fish Stocks Straddling National Fishing Limits, 2007	(see 2007 Quota Table)
12.1 Witch flounder in Division 3NO	The 2006 provisions for this stock will be continued in 2007 and 2008. By-catch provisions as stipulated in the NAFO CEM apply.
12.2 Yellowtail flounder in Division 3LNO	The 2006 allocation scheme for this stock will be continued in 2007. By-catch provisions as stipulated in the NAFO CEM apply. TAC is 15 500 t. The reservation of USA was noted.
12.3 Thorny skate in Division 3LNO	Allocation scheme is maintained. TAC is 13 500 t.
12.4 Squid (<i>Illex</i>) in Subareas 3 and 4	Allocation scheme is maintained for 2007 and 2008. TAC is 34 000 t.
12.5 Greenland halibut in Subarea 2 and Divisions 3KLMNO (rebuilding plan)	No action taken. The TAC in Divs. 3LMNO of 11 856 t which was adopted in the framework of the rebuilding plan is unchanged.
12.6 Shrimp in Division 3LNO	The allocation scheme in 2007 remains the same as in 2006. TAC is 22 000 t. The reservation of Denmark (in respect of Faroes and Greenland) on the allocation scheme was noted. Adopted FC WP 06/15 – on time restrictions. (FC Doc. 06/8) Adopted FC WP 06/24 – on product labelling and catch recording. (FC Doc. 06/12)

12.7 Pelagic <i>Sebastes mentella</i> (oceanic redfish) in the NAFO Convention Area	<p>TAC in 2007 is 16 914 t, based on the 17% reduction of the NEAFC TAC. Allocation scheme the same as in 2006.</p> <p>Footnote 10 was revised to read: “In case of the NEAFC decision which modifies the level of TAC in 2007 as compared with 2006, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote.”</p> <p>Adopted FC WP 06/17 (Rev.) (FC Doc. 06/9)</p>
12.9 Management of Currently Unregulated Stocks: i. Spiny dogfish ii. Black dogfish	Noted FC WP 06/12.
13. Structure and Coverage of Observer Programme	Adopted STACTIC WP 06/33 (rev. 3) (FC Doc. 06/13). The reservation of Ukraine on the 25% coverage was noted.
14. Reform of NAFO (issues outlined in paragraph 5 of the St. John’s Declaration)	Adopted FC WP 06/23. (FC Doc. 06/11)
15. Formulation of Request to the Scientific Council for scientific advice on the management of fish stocks in 2008	Adopted FC WP 06/22 (Rev.). (FC Doc. 06/10)
16. Areas of Ecological and Biological Significance in the NAFO Area	<p>Adopted FC WP 06/11 (Rev. 5). (FC Doc. 06/5)</p> <p>Adopted FC WP 06/14 (FC Doc. 06/7)</p>
18. Time and Place of Next Meeting	Agreed at the General Council – 24-28 September 2007 in Lisbon, Portugal.
19. Other Business i. Election of Vice Chair	Kate Sanderson of Denmark (in respect of Faroes and Greenland) was elected Vice Chair to replace Kolbeinn Arnason of Iceland.

Annex 3. Agenda

I. Opening Procedure

1. Opening by the Chair, Vladimir Shibanov (Russia)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Guidance to STACTIC necessary for them to complete their work (Monday)
5. Guidance to SC necessary for them to complete their work (Monday)

II. Administrative

6. Review of Commission Membership

III. Conservation and Enforcement Measures

7. Report of STACTIC, June 2006
8. Review of Chartering Arrangements
9. Report of STACTIC at the Annual Meeting

IV. Conservation of Fish Stocks in the Regulatory Area

10. Summary of Scientific Advice and Other Matters raised by the Scientific Council
 - a) Stock assessments and recommendations (Scientific Council Chair)
 - b) Other issues (as determined by SC)
 - i. Submission of provisional monthly catches by flag state instead of Contracting Party
 - ii. VMS data be made available to the SC for fish stock assessment purposes
 - iii. Omega Mesh Gauge
 - iv. ICES-NAFO Harp and Hooded Seals Working Group
11. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2007
 - 11.1 Cod in Div. 3M
 - 11.2 American plaice in Div. 3M
 - 11.3 Shrimp in Div. 3M
12. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2007
 - 12.1 Witch flounder in Div. 3NO
 - 12.2 Yellowtail flounder in Div. 3LNO (PA framework)
 - 12.3 Thorny skate in Div. 3LNO
 - 12.4 Squid (*Illex*) in Subareas 3 and 4
 - 12.5 Greenland halibut in Subarea 2 and Div. 3KLMNO (rebuilding plan)
 - 12.6 Shrimp in Div. 3LNO
 - 12.7 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area
 - 12.8 Redfish in Div. 3O (minimum mesh size)
 - 12.9 Management of Currently Unregulated Stocks:
 - i. Spiny dogfish
 - ii. Black dogfish
13. Structure and Coverage of Observer Programme
14. Reform of NAFO (issues outlined in paragraph 5 of the St. John's Declaration)
15. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2008

V. Ecosystem Considerations

16. Areas of Ecological and Biological Significance in the NAFO Area
17. Role of Seals in the Marine Ecosystem

VI. Closing Procedure

18. Time and Place of the Next Meeting
19. Other Business
 - i) Election of Vice-Chair
20. Adjournment

Annex 4. Amendments to the Conservation and Enforcement Measures
(FC W.P. 06/23 **now** FC Doc. 06/11)

Article 9 – By-catch requirements

1. By-catch retained on board
 - a) Vessels of a Contracting Party shall limit their by-catch to a maximum of 2500 kg or 10%, whichever is the greater, for each species listed in Annex I for which no quota has been allocated in that Division to that Contracting Party.
 - b) In cases where a ban on fishing is in force or an “Others” quota has been fully utilised, the by-catch of the species concerned may not exceed 1250 kg or 5%, whichever is the greater.
 - c) The percentages in a) and b) are calculated as the percentage, by weight, for each species of the total catch retained on board. Catches of shrimp shall not be included in the calculation of by-catch levels of ground fish species.

2. By-catch in any one haul
 - a) If the percentages of by-catches in any one haul have exceeded the percentages laid down in paragraph 1 a) and b) the vessel must immediately move a minimum of 10 nautical miles from any position of the previous tow and throughout the next tow keep a minimum distance of 10 nautical miles from any position of the previous tow. If after moving, the next haul exceeds these by-catch limits the vessel must leave the Division and not return for at least 60 hours.
 - b) In the event that total by-catches of all ground fish species subject to quota in any haul in the shrimp fishery exceed 5% by weight in Division 3M or 2.5% by weight in Division 3L, the vessel must move a minimum of 10 nautical miles from any position of the previous tow and throughout the next tow keep a minimum distance of 10 nautical miles from any position of the previous tow. If after moving, the next haul exceeds these by-catch limits the vessel must leave the Division and not return for at least 60 hours.
 - c) The percentage of by-catch authorised in any one haul is calculated as the percentage, by weight, for each species of the total catch in that haul.

3. Directed fishery and by-catch
 - a) Masters shall not conduct directed fisheries for species for which by-catch limits apply. A directed fishery for a species shall be deemed to have been conducted when that species comprises the largest percentage by weight of the total catch in any one haul.
 - b) However, when a vessel is conducting a directed fishery for skate with a legal mesh size appropriate for that fishery, the first time that, in a haul, catches of species for which by-catch limits comprise the largest percentage, by weight of the total catch, they shall be considered as incidental. In this event the vessel shall immediately change position in accordance with the provisions of paragraph 2a) and b).
 - c) Following an absence from a Division of at least 60 hours in accordance with the provisions of paragraphs 2a) and b) masters shall undertake a trial tow the duration of which shall not exceed 3 hours. By way of derogation from paragraph a), if in a haul from such a trial tow catches of species for which by-catch limits comprise the largest percentage, by weight of the total catch, it shall not be considered as a directed fishery. In this event the vessel shall immediately change position in accordance with the provisions of paragraph 2a) and b).

Article 20 – Recording of catch and stowage

5. Taking into account consideration for the legitimate safety and navigational responsibilities of the master of the vessel, the following shall apply:
 - a) All catches taken inside the NAFO Convention Area shall be stowed separately from all catches taken outside the area. They shall be kept clearly separate, for example with plastic, plywood or netting.
 - b) Catches of the same species may be stowed in more than one part of the hold but the location where it is stowed shall be clearly represented in the stowage plan referred to in paragraph 6.

Article 33a – Enhanced follow-up with regard to certain serious infringements

1. In addition to the provisions of Article 33 the flag state Contracting Party shall take action under this article where a vessel flying its flag has committed one of the following serious infringements:
 - a) Directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);
 - b) Mis recording of catches (Article 20);

To be considered for follow-up action under this Article the difference between the inspector's estimates of processed catch on board, by species or in total, and the figures recorded in the production logbook shall be 10 tons or 20%, whichever is the greatest, calculated as a percentage of the production logbook figures. In order to calculate the estimate of the catch on board a stowage factor agreed between the inspectors of the inspecting Contracting Party and the Contracting Party of the inspected vessel shall be used.

 - c) The repetition of the same serious infringement mentioned in the Article 33 (1) that has been confirmed in accordance with Article 33 paragraph 5 during a 100 day period or within the fishing trip, whichever is shorter.
2. The flag state Contracting Party shall ensure that following the inspection referred to in Article 33 (3) the vessel concerned ceases all fishing activities and an investigation into the serious infringement is initiated.
3. If no inspector or other person designated by the flag state Contracting Party of the vessel to carry out the investigation as outlined in paragraph 2 is present in the Regulatory Area the flag state Contracting Party shall require the vessel to proceed immediately to a port where the investigation can be initiated.
4. When completing the investigation for any serious infringement of mis-recording of catch referred to in paragraph 1 b) the flag state Contracting Party shall ensure that the physical inspection and enumeration of total catch on board, takes place under its authority in port. Such inspection may take place in the presence of an inspector from any another Contracting Party that wishes to participate, subject to the consent of the flag state Contracting Party.
5. When a vessel is required to proceed to port pursuant to paragraph 2, 3 or 4, 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 of the inspected vessel does not require the inspector to leave the vessel.

Article 34 – Follow-up to infringements

1. The competent authorities of a Contracting Party notified of an infringement committed by one of its vessels shall investigate immediately and fully this infringement to obtain the evidence required which shall include, where appropriate, the physical inspection of the vessel concerned.
2. The competent authorities of the flag state Contracting Party shall take immediate judicial or administrative action in conformity with their national legislation against the nationals responsible for the vessel flying its flag where the measures adopted by NAFO have not been respected.
3. The competent authorities of the flag state Contracting Party shall ensure that the proceeding initiated pursuant to paragraph 2 shall be capable, in accordance with the relevant provisions of national law, of providing effective measures that are adequate in severity, secure compliance, and deprive those responsible of the economic benefit of the infringement, and effectively discourage future infringements.
4. paragraph 2 – unchanged
5. paragraph 3 – unchanged
6. paragraph 4 – unchanged

Remarks : delete the paragraph 1 and 5 replaced by new paragraph 1, 2 and 3.

Article 34 a – Enforcement Measures

1. Each flag State Contracting Party shall take enforcement measures with respect to a vessel, where it has been established, in accordance with its laws that this fishing vessel flying its flag committed a serious infringement listed in article 33.a.
2. The measures referred to in paragraph 1 may include, in particular depending on the gravity of the offence and in accordance with the pertinent provisions of national law :
 - a) Fines
 - b) Seizure of illegal fishing gear and catches
 - c) Sequestration of the vessel
 - d) Suspension or withdrawal of authorisation to fish
 - e) Reduction or withdrawal of the fishing quota
3. The flag State Contracting Party of the vessel concerned shall notify to the Executive Secretary, without delay, the appropriate measures taken in accordance with this Article.

Article 35 – Treatment of Reports from Inspectors

The text of Article 35 is replaced by the following:

1. Inspection and surveillance reports drawn up by NAFO inspectors shall constitute admissible evidence for administrative or judicial proceedings of any Contracting Parties. For establishing facts they shall be treated equally to inspection and surveillance reports of its own inspectors.
2. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report submitted by an the inspector under the scheme, subject to the rules governing the admissibility of evidence in domestic judicial and other systems.

Article 36 – Report on infringements

1. Paragraph 1 – unchanged
2. Paragraph 2 - unchanged
3. Addition of a new paragraph 3:
 3. "In case of serious infringement referred to in Article 33.a, the Contracting Party concerned shall provide to the Executive Secretary with a report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the serious infringement as soon as practicable and in any case within four months following the notification of the infringement and a report on the outcome of the investigation when the investigation is completed".

Annex 5. Revision of Article 22.8 of the Conservation and Enforcement Measures(FC WP 06/13, Rev. **now** FC Doc. 06/6)

Following the deliberation of the Fisheries Commission (FC) on the matter of making available the VMS data to the Scientific Council (SC), the Secretariat was given the task to revise the text of the Article 22.8. The reformulation of the text was made in consultation with the SC Chair. The bold letters indicate the addition to the original text of the article.

Article 22 – Vessel Monitoring System

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.

The Executive Secretary shall make VMS data available in a summary form to the Scientific Council following specific requests from the Fisheries Commission to the Scientific Council to determine fishing effort on and around vulnerable habitats and for any other purpose.

Annex 6. Divisions 3LM Shrimp – New Management Measures
(FC WP 06/24 now FC Doc. 06/12)

Background or Explanatory Memorandum

The shrimp fishery in the NAFO Regulatory Area is comprised of two components:

- 3M dominated by lower value industrial shrimp with catch rates of ~10t/day
- 3L dominated by higher value/better quality shrimp with catch rates of ~20-25t/day

Masters advise that the value of 3L shrimp is approximately 3 times the value of 3M shrimp. With higher catch rates in 3L and high operating costs, the motivation to misreport is high. One day in Division 3L, on average, equates to a gross value of \$60,000 while one day in Division 3M, on average, equates to a gross value of \$10,000.

The following measures are proposed to improve the effectiveness of the MCS program:

Proposed Measurements for Shrimp Fishery

The following are proposed measures **[bold]** to improve compliance in the 3L shrimp fishery.

Article 6 - Shrimp in Division 3L

4. Prior to entry into any port, vessels or their representatives shall provide the competent port authority at least 24 hours before the estimated time of arrival with the following:

- i) Estimated time of arrival;**
- ii) Estimate of quantities of shrimp retained onboard;**
- iii) Information on the Division or Divisions where the catches were taken.**

Article 19 - Product Labeling Requirements

1. When processed all fish harvested in the Regulatory Area shall be labeled in such a way that each species, product category **and date of capture** is identifiable. It shall also be clearly marked as having been caught in the Regulatory Area. Furthermore, all shrimp harvested in Division 3L **and 3M** and all Greenland Halibut harvested in Sub-area 2 and Divisions 3KLMNO shall be marked accordingly **with the stock area**.

Article 20 – Recording of Catch and Stowage

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. **In the case of shrimp, vessels shall keep a stowage plan that specifies the location of shrimp taken in Division 3L and specifies the location of shrimp taken in Division 3M as well as the quantities of shrimp, by Division, on board in product weight stated in kilograms. The stowage plan** 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.

**Annex 7. Proposal from Denmark in respect of the Faroe Islands and Greenland
Amendment to time restrictions for 3L shrimp fishery (CEM Art. 12.1)
(FC WP 06/15 now FC Doc. 06/8)**

Introduction

Without prejudice to the objection to the Division of shrimp in NAFO 3L lodged by Denmark in respect of the Faroe Islands and Greenland in accordance with Article XII of the NAFO Convention, the following amendment to the time restrictions in Division 3L is proposed. In this connection it should be noted that, since objecting to the division of the TAC for 3L shrimp, which DFG considers to be a temporary measure not an allocation as is otherwise NAFO practice, DFG has nevertheless refrained from objecting to the restrictions on time and number of vessels in 3L which are provided for in the Conservation and Enforcement Measures.

Explanatory remarks

It has now been several years since the existing time restrictions for 3L, specifically Article 12, paragraphs 1) and 2) of the Conservation and Enforcement Measures, were adopted by the Fisheries Commission (1999). In the meantime the fishery has developed and the agreed TAC for this fishery has increased from 6000 t in 2000, to 13,000 t in 2003, to the present 22,000 t for 2006. The scientific, conservation and management basis of current time restrictions is unclear.

Given that NAFO's stated management objective for the shrimp fishery in this area is to provide for its gradual development, it would be consistent with these objectives to relax the associated time restrictions in line with developments. This would allow the fisheries sectors of all Parties with a real interest in this resource greater flexibility in the planning of their activities throughout the year.

Under existing CEM restrictions, Division 3L is closed to shrimp fishery from 1 April to 30 June and again from 15 September to 1 December, a total of 5 ½ months. The proposal from DFG would extend the period in which 3L is open by 2½ months (ie the period from 16 September to 30 November), thus allowing better fishing opportunities in the fall/spring period of the year, when the quality of the resource in the area is better than in the summer period.

Proposal for amendment of Conservation and Enforcement Measures:

Article 12:

1. 3L Fishing is prohibited: 1 April - 30 June

**Annex 8. Proposal from Denmark (in respect of the Faroe Islands and Greenland) and Iceland
Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area
(FC WP 06/17, Rev. now FC Doc. 06/9)**

DFG & Iceland propose the following amendments to the Conservation and Enforcement Measures (highlighted in bold):

Article 10. Gear requirements

1. Minimum authorised mesh sizes shall be as follows:

e) **100 mm for pelagic *Sebastes mentella* (oceanic redfish) in Sub-Area 2 and Divisions 1F & 3K**

Annex 1.A Annual Quota Table

Footnote 10: In the case of the NEAFC decision which modifies the level of TAC in **2007** as compared with **2006**, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote.

Annex 9. CEM Annexes I.A, I.B, I.C

Annex I.A - Annual Quota Table

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2007 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	
	3L	3M	3NO	3LN	3M	3O	Sub-Area 2 and Div. 1F+3K	3LNO	3M	3LNO	3L	3NO
Division/Contracting Party												
Canada		0	0	0	500	6000	520 ^{2,4}	0	0	15112 ⁵		0
Cuba		0	-	0	1750		520 ^{2,4}	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		13010 ^{2,3}	-	-	-		-
European Union		0 ¹¹	0 ¹¹	0 ¹¹	7813 ¹²	7000	$\frac{13010^{2,3}}{3383^{2,15}}$	0	0 ¹¹	-		0 ¹¹
France (St. Pierre et Miquelon)		-	-	-	69		5207 ^{2,4}	-	-	310 ⁵		-
Iceland		-	-	-	-		13010 ^{2,3}	-	-	-		-
Japan		-	-	-	400	150	520 ^{2,4}	-	-	-		-
Korea		-	-	-	69	100	5207 ^{2,4}	-	-	-		-
Norway		0	-	-	-		13010 ^{2,3}	-	-	-		-
Russia		0	0	0	9137	6500	13010 ^{2,3}	-	0	-		0
Ukraine						150	520 ^{2,4}					
United States of America		-	-	-	69		520 ^{2,4}	-	-	-		-
Others		0	0	0	124	100	-	0	0	78 ⁵		0
TOTAL ALLOWABLE CATCH	*	* ¹⁶	*	*	5000 ⁸	20000	16914 ^{10,17}	*	* ¹⁶	15500 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	1778	N.S. ⁶	18325	
Cuba		0		-	510	245	
Denmark (Faroe Islands and Greenland)		-		206	-	245	
European Union	5000	0 ¹¹	8500	6951 ¹⁸	N.S. ⁶ 611 ¹³	1225 ¹⁴	
France (St. Pierre et Miquelon)		-		194	453	245	
Iceland		-		-	-	245	
Japan		0		1215	510	245	
Korea		-		-	453	245	
Norway		0		-	-	245	
Russia	500	0	2250	1512	749	245	
Ukraine						245	
United States of America		-		-	453	245	
Others	500	-	500	0 ⁷	794	0	
TOTAL ALLOWABLE CATCH	8500	*	13500	11856	34000	22000	*

* Ban on fishing in force – The provisions of Article 9, paragraph 1.b) 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 2006 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, 2007. 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 1.b) of the Conservation and Enforcement Measures shall apply.
10. In the case of the NEAFC decision which modifies the level of TAC in 2007 as compared with 2006, 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 3019 tonnes for Lithuania and 364 tonnes to Latvia following their accession to the European Union.
16. Applicable to 2007 and 2008.
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 389 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, 2007

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 10. Icelandic Proposal for Changing of Chapter VII in the CEM
from a Pilot Project to Permanent Measure
(STACTIC W.P. 06/33, Rev. 3 now FC Doc. 06/13)**

Proposal

In order to achieve this Iceland proposes the following changes to the NAFO conservation and enforcement measures

1. The following Chapter VII shall replace the current Chapter VII:

Chapter VII

Electronic reporting, satellite tracking and observers

Article 50 - Scope

1. Only vessels of Contracting Parties with functional VMS systems that have the necessary technical facilities in place to send electronic "observer reports" and "catch reports" are allowed to apply the provisions laid down in this chapter. **VMS messages have one hour interval.**
2. Contracting Parties shall notify the Executive Secretary of their intention to apply the provisions laid down in this chapter 30 days prior to the start of the fishing season.

Article 51 - Implementation

1. Participating Contracting Parties should notify the names of the vessels intending to apply the provisions of this chapter to the NAFO Secretariat. Such vessels shall have observers on board in accordance with Article 24 of the NAFO Conservation and Enforcement Measures.
2. However, by way of derogation from these measures a Contracting Party may withdraw observers from vessels applying the provisions of this chapter on the condition that the technical facilities on board the vessel necessary to send electronic "observer reports" and "catch reports" have been tested with the NAFO Secretariat and Contracting Parties with an inspection presence in the Regulatory Area.
3. The testing of this exchange shall be deemed successful once data exchanges have been completed with all recipients at a 100% reliability rate.
4. A Contracting Party with vessel or vessels applying the provisions of this chapter shall withdraw the observer for no more than **75%** of the time that the vessel or vessels spend in the Regulatory Area during the year.
5. When withdrawing observers Contracting Parties shall ensure that there is a balance between vessels with observers and without observers, in terms of the type of fishery in which the vessels are engaged.
6. Participating Contracting Parties shall provide at all times to the NAFO Secretariat the names of vessels applying the provisions of this chapter as well as the period during which they have no observer onboard. The Executive Secretary shall forward this information to all Contracting Parties.
7. In the case where a vessel without an observer is found by an inspector to be engaged in any infringement, the Contracting Party shall apply the provisions of Article 33, paragraphs 2 to 9 of the Scheme, as appropriate, and, when the vessel is not re-routed, it shall embark an observer without delay.
8. In addition to their duties under the Conservation and Enforcement Measures observers on board vessels applying the provisions of this chapter shall report daily by electronic channels via the FMC to the NAFO Secretariat ("OBR report") of his duties described in Article 24.4. a) i) to iv) of the Conservation and Enforcement Measures.

Article 52 - Daily Reports

1. Masters of vessels and observers applying the provisions of this chapter shall transmit daily reports by division.
2. The daily reports are to be received by the NAFO Secretariat by 1200 UTC daily. The report period will run from 0001 hours to 2400 hours of the previous day.
3. The catch reported in the daily report of the master will correspond with those recorded in the log.
4. The daily reports shall include as appropriate the amounts, by Division, of the following categories:
 - a) The daily catch by species retained on board
 - b) Discarding
 - c) Undersize fish
5. If the electronic means of transmitting daily reports (to and from FMC) is not functioning, the master and the observer will continue to report daily by other means keeping a written log of these transmissions on board and available to inspectors.
6. The templates for Daily Catch (CAX) and Observer Reports (OBR) are contained in Annex XX(a).

Article 53 - Data Collection/Compilation/Analysis

1. The Executive Secretary shall collect and compile, on a weekly basis, the data provided by the daily catch reports to compare, among other items, catch rates of species caught by Division, by-catch percentage rate, discard rates for similar fisheries. The details of this data compilation are outlined in Annex XX (b).
2. The Executive Secretary shall forward this information to Contracting Parties with an inspection presence.
3. The NAFO Secretariat shall monitor the receipt of daily reports from each vessel applying the provisions of this chapter. When a report has not been received for 2 consecutive days, the NAFO Secretariat will notify the relevant Contracting Party as well as Contracting Parties with an Inspection Presence.
4. The Executive Secretary shall make available as soon as possible the information received under paragraphs 2 and 3 to other Contracting Parties with an active inspection presence in the Regulatory Area. All reports and messages shall be treated in a confidential manner.

Article 54 - Costs

1. Subject to any other arrangements between Contracting Parties, each Contracting Party shall pay all its costs associated with this system.

Article 55 - Follow-up

1. Each Contracting Party (including those with an inspection presence) shall submit an interim report at the first annual meeting of the Fisheries Commission following adoption of the pilot project and a detailed report on the execution of the pilot project containing all necessary information at the annual meeting of the Fisheries Commission following completion of the pilot project. STACTIC supported by the Executive Secretary should evaluate the results of the pilot project at its next meeting on the basis of the criteria set out below as well as the objectives identified, together with any recommendations or proposals:
 - a) Compliance overall and notably comparison between vessels with and without observers.
 - b) Assessment by the Executive Secretary on issues related to data compatibility, data collection/compilation, and data transmission.

- c) Cost/savings; for the industry; for the authorities of the Contracting Party (including those with an inspection presence); for the NAFO Secretariat.
 - d) Interaction with traditional means of control.
 - e) Technical functioning of the Scheme and reliability.
2. **The elements of this chapter are subject to review as appropriate, for application in 2010 and subsequent years.**

2. The following Annex XX shall be added

ANNEX XX (a)

1. Daily Catch Report Chapter VII (CAX)

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, “CAX” 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
Daily Catches 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 kilograms
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 kilograms
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 kilograms
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.

2. Observer Report (OBR)

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, “OBR” as Observer report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Fishing Gear	GE	M	Activity detail; FAO code for fishing gear
Directed Species ⁷	DS	M	Activity detail; FAO species code
Mesh Size	ME	M	Activity detail; average mesh size in millimetres
Relevant Area	RA	M	Activity detail; NAFO Division
Daily Catches	CA	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.
species live weight		M	FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Discarding	RJ	M ¹	Activity detail; discarded catch by species, either since commencement of fishing in R.A. ² or last “Catch” report, in pairs as needed.
species live weight			FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Undersize	US	M ¹	Activity detail; undersize catch by species, either since commencement of fishing in R.A. ² or last “Catch” report, in pairs as needed.
species live weight			FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Log Book	LB	M	Activity detail; “Yes” or “No” ³
Production	PR	M	Activity detail; code for the production
Hails	HA	M	Activity detail; observers verification if the reports made by the captain are correct, “Yes” or “No” ⁴
Apparent Infringements	AF	M	Activity detail; “Yes” or “No” ⁵
Observer Name	ON	M	Message detail; name of the observer signing the report
Date	DA	M	Message detail; date of transmission
Free Text	MS	O ⁶	Activity detail; for further comments by the observer
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

1 Only to be transmitted if relevant

2 Meaning the first “Catch Report” in current fishing trip in the R.A.

3 “Yes” if the observer approves the Log Book entries by the captain

4 “Yes” if the observer approves the Hails transmitted by the captain

5 “Yes” if an infringement is observed

6 Mandatory if “LB” = “No”, or “HA” = “No”, or “AF” = “Yes”.

7 Directed species is the species which represents the greatest catch for that day

ANNEX XX (b)

Data to be compiled by Executive Secretary and Forwarded to Inspection Parties

Catch and Catch Rate Report (Weekly)

Vessel Type	Division	Species	Total catch	Total Effort	Catch Rate
With observer –Masters					
With observer – observer					
Without observer					

By-catch Report (Weekly)

Vessel Type	Division	Species	Total catch	Total Overall Catch	By-catch %
With observer –Masters					
With observer – observer					
Without observer					

Discards Report (Weekly)

Vessel Type	Division	Species	Total catch	Total Discards	Discard %
With observer –Masters					
With observer – observer					
Without observer					

**Annex 11. Fisheries Commission's Request for Scientific Advice on Management
in 2008 of Certain Stocks in Subareas 2, 3 and 4**

(FC WP 06/22, Rev. now FC Doc. 06/10)

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 2007 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2008:

Northern shrimp in Div. 3M, 3LNO
Greenland halibut in SA 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 2007 Annual Meeting, provide advice on the scientific basis for the management of the following fish stocks according to the following assessment frequency:

Two year basis

American plaice in Div. 3LNO
Capelin in Div. 3NO
Redfish in Div. 3M
Thorny skate in Div. 3LNOPs
White hake in Div. 3NOPs
Yellowtail flounder in Div. 3LNO

Three year basis

American plaice in Div. 3M
Cod in Div. 3NO
Cod in Div. 3M
Northern shortfin squid in SA 3+4
Redfish in Div. 3LN
Redfish in Div. 3O
Witch flounder in Div. 2J+3KL
Witch flounder in Div. 3NO

- In 2006, advice was provided for 2007 and 2008 for cod in Div. 3M, American plaice in Div. 3M, yellowtail flounder in Div. 3LNO, witch flounder in Div. 3NO, thorny skate in Div. 3LNOPs and northern shortfin squid in SA 3+4.

To implement this system of assessments, the Scientific Council is requested to conduct the assessment of these stocks as follows:

- In 2007, advice will be provided for 2008 and 2009 for American plaice in Div. 3LNO, redfish in Div. 3M, white hake in Div. 3NO and capelin in Div. 3NO. These stocks will be next assessed in 2009.
- In 2007, advice will be provided for 2008, 2009 and 2010 for redfish in Div. 3LN, redfish in Div. 3O, cod in Div. 3NO and witch flounder in Div. 2J+3KL. These stocks will be next assessed in 2010.
- In 2008, advice will be provided for 2009 and 2010 for yellowtail flounder in Div. 3LNO, and thorny skate in Div. 3LNOPs. These stocks will be next assessed in 2010.
- In 2008, advice will be provided for 2009, 2010 and 2011 for cod in Div. 3M, American plaice in Div. 3M, witch flounder in Div. 3NO, and northern shortfin squid in SA 3+4. These stocks will be next assessed in 2011.

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_{2006} in 2008 and subsequent years should be evaluated. The present stock size and spawning stock size should be described in relation to those observed historically and those expected in the longer term under this range of options.
- 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 2008 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 2007 Annual Meeting of the Fisheries Commission for all stocks under its responsibility requiring advice for 2008:

- 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 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. 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 2007 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.
 8. Whether the following measures on Redfish in Division 3O, if applied in the NAFO Regulatory Area, are effective, in particular, in regard to addressing bycatch of species such as American plaice and Cod as conservation and management measure:
 - 90 mm mesh size
 - Limiting the maximum permissible harvest of 15% (by number) of redfish 22cm or smaller, imposing 5% limit on the bycatch of any other groundfish species in the fishery
 - Closure of fishing for a minimum of 10 days after reaching or exceeding of either the small fish or bycatch levels
 - Re-opening of fishery through use of test fisheries
 9. Regarding the precautionary closure to four seamount areas based on the ecosystem approach to fisheries (FC Doc. 06/5), using existing survey and commercial data from these seamount areas the Scientific Council is requested to provide the Fisheries Commission, at the 2007 Annual Meeting, recommendations on: 1) areas that could be fished on each seamount and, 2) a protocol for the collection of the data required to assess these seamounts, with a view to future recommendations on management measures for these areas.

Annex 12. Resolution to Reduce Sea Turtle Mortality in NAFO Fishing Operations
Proposal by the United States of America and Japan
 (FC WP 06/14 ~~now~~ FC Doc. 06/7)

Background/Explanatory Memorandum:

At its 26th Annual Symposium on Sea Turtle Biology and Conservation, the members of the International Sea Turtle Society (ISTS) adopted a resolution calling upon the world's regional fisheries management organizations (RFMOs) to urge their members to adopt and implement the FAO "Guidelines to Reduce the Mortality of Sea Turtles in Fishing Operations" (the FAO Guidelines). This ISTS resolution was forwarded to NAFO with a request for action.

It is generally agreed that RFMOs can play a valuable role in support of global adoption and implementation of the FAO Guidelines. Given NAFO's on-going efforts to minimize bycatch and the fledging NAFO initiative on application of ecosystem considerations to the Organization's fisheries management decision-making, NAFO should support global implementation of the FAO Guidelines as appropriate. As the waters of the Convention area include critical foraging habitat for the leatherback turtle (*Dermochelys coriacea*), adoption and implementation of the FAO Guidelines would be both proactive and precautionary.

Thus, it is proposed that, in addition to generally supporting adoption and implementation of the FAO Guidelines, NAFO Contracting Parties should provide information on existing domestic data collection (e.g., species identification, fate and condition at release, relevant biological information, and gear configuration) and/or observer training efforts relating to sea turtle interactions in NAFO-managed fisheries in the NAFO Convention Area.

NAFO should also consider, where appropriate, increasing cooperation both among NAFO Contracting Parties and with other regional, subregional and global organizations, to facilitate sharing of data and development of compatible and appropriate bycatch reduction measures. Such efforts may be enhanced by integration of sea turtle interaction data collection by NAFO observers.

Proposal:

Resolution to Reduce Sea Turtle Mortality in NAFO Fishing Operations

Preamble:

Recognizing the cultural and ecological significance of sea turtles in the Northwest Atlantic Ocean;

Recognizing that the FAO Committee on Fisheries (COFI) endorsed "Guidelines to Reduce Sea Turtle Mortality in Fishing Operations" at its Twenty-sixth Session, held in March 2005, and that these guidelines are directed towards members and non-members of FAO, fishing entities, subregional, regional and global organizations, whether governmental or non-governmental concerned with fisheries management and sustainable use of aquatic ecosystems;

Further recognizing that implementation of these guidelines should be consistent with the Code of Conduct for Responsible Fisheries as well as with the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem with regard to ecosystem considerations and based on the use of the best available science;

Taking into account the importance placed by the guidelines on research, monitoring, the sharing of information, and public education on sea turtles;

The Contracting Parties of NAFO resolve as follows:

1. NAFO Contracting Parties (CPs) should, as appropriate, individually and collectively implement the FAO "Guidelines to Reduce Sea Turtle Mortality in Fishing Operations" (the Guidelines) to reduce the incidental catch of sea turtles and ensure the safe handling of all turtles that are captured.

2. NAFO CPs should continue to enhance the implementation of their existing turtle mitigation measures using best available scientific information on mitigation techniques.
3. NAFO should encourage CPs to collect, and provide to the NAFO Secretariat, all available information on interactions with sea turtles in fisheries managed by NAFO in the NAFO Convention Area and urges them to foster collaboration with other CPs in the exchange of information in this area.
4. NAFO should cooperate with other regional, subregional and global organizations to share data on sea turtle bycatch and to develop and apply compatible bycatch reduction measures as appropriate.
5. Beginning in 2007, CPs should provide to the NAFO Secretariat a detailing of sea turtle fishery interaction data (e.g., species identification, fate and condition at release, relevant biological information and gear configuration), including data collected by their respective national observer programs, in fisheries managed by NAFO in the NAFO Convention Area and any sea turtle-specific training provided to these observers. This information will be compiled by the NAFO Secretariat and reported to the Scientific Council and to the Fisheries Commission.
6. The Fisheries Commission should monitor the progress of CPs in applying this resolution and develop relevant strategies for the further consideration of the Commission in 2008. Information produced as a result of this resolution will be provided by the NAFO Secretariat to the FAO.

**Annex 13. Proposal on Precautionary Closure to Four Seamount Areas
based on the Ecosystem Approach to Fisheries**
(FC WP 06/11, Rev. 5 ~~now~~ FC Doc. 06/5)

Background/ Explanatory Memorandum

At the 2005 annual meeting, NAFO agreed to launch a process to modernize itself by incorporating and implementing modern fisheries management and conservation standards established by current international fisheries instruments, including the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement.

As part of this process, the Fisheries Commission adopted in 2005 a proposal (NAFO/FC Doc. 05/7) on ecosystem approach to fisheries (EAF) interim measures, which included a request to seek additional information on four seamounts located in the NAFO Regulatory Area.

Recently, the United Nations (UN) Secretary-General published a report outlining actions taken by States and regional fisheries management organizations (RFMOs) to address the impacts of fishing on vulnerable marine ecosystems in response to UN General Assembly Resolution 59/25. This issue will be discussed at the UN General Assembly in November 2006. An evaluation of the report indicates that more could be done by RFMOs, including NAFO, to protect potentially sensitive marine areas.

Canada is proposing that a cautious approach be adopted by NAFO to address the impacts of fishing on benthic habitats, communities and species. Consistent with the Canadian proposal, Contracting Parties could allow a small scale and cautious exploratory fishery to gather data to be provided to the Scientific Council. This would enable NAFO to improve its knowledge of these seamount areas and better assess the impact of fishing activities on these areas.

This approach would assist in determining the future management strategy that could apply to these and other seamount areas, on an individual basis.

Proposal

It is proposed that the following measures be undertaken in order to further implement precautionary and ecosystem-based approaches for the protection of seamounts.

Amend Article 12, paragraphs 5 and 6 of the NAFO Conservation and Enforcement Measures with the following new paragraphs:

5. As of January 1, 2007, and until December 31, 2010, the following areas shall be closed to all fishing activities involving demersal fishing gears. The closed areas are defined by connecting the following coordinates (in numerical order and back to coordinate 1).

Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Orphan Knoll	50°00'30"N 45°00'30"W	51°00'30"N 45°00'30"W	51°00'30"N 47°00'30"W	50°00'30"N 47°00'30"W
Corner Seamounts	35°00'00"N 48°00'00"W	36°00'00"N 48°00'00"W	36°00'00"N 52°00'00"W	35°00'00"N 52°00'00"W
Newfoundland Seamounts	43°29'00"N 43°20'00"W	44°00'00"N 43°20'00"W	44°00'00"N 46°40'00"W	43°29'00"N 46°40'00"W
New England Seamounts	35°00'00"N 57°00'00"W	39°00'00"N 57°00'00"W	39°00'00"N 64°00'00"W	35°00'00"N 64°00'00"W

6. At the 2007 Annual Meeting, the Fisheries Commission shall consider providing access to a small scale and restricted exploratory fishery, effective January 1, 2008, not to exceed 20% of the fishable area of each seamount. These representative areas that may be fished on each seamount will be

recommended by the Scientific Council based on existing survey and commercial data from these seamount areas. Scientific Council is requested to provide the Fisheries Commission, at the 2007 Annual Meeting, recommendations on: 1) areas that could be fished on each seamount and, 2) a protocol for the collection of the data required to assess these seamounts, with a view to future recommendations on management measures for these areas.

7. Contracting Parties shall provide the Executive Secretary, in advance of the June 2007 Scientific Council meeting, with all existing data from survey and commercial fisheries that have taken place in these seamount areas. The Executive Secretary will forward this information to the Scientific Council for its review in making the above noted recommendations to the Fisheries Commission.
8. Vessels may only fish in the defined areas in accordance with the protocol established by the Scientific Council and adopted by the Fisheries Commission. In addition to the protocol, vessels fishing in the areas defined in paragraph 5, shall have a scientific observer onboard.
9. If vessels fishing in the areas defined in paragraph 5 encounter hard corals, notification of the location of the coral area is to be provided to the Executive Secretary which will implement an immediate temporary closure of that area to all Contracting Parties pending a Fisheries Commission decision at the next Annual Meeting.
10. The measures referred to in paragraphs 5-9 shall be reviewed in 2010 by the Fisheries Commission, based on the advice from the Scientific Council, and a decision shall be taken on future management measures which may include extending the application of these measures for an additional period or making the closure(s) permanent.

PART II

Report of Standing Committee on International Control (STACTIC)

**28th Annual Meeting, 18-22 September 2006
Dartmouth, Nova Scotia, Canada**

1. Opening of the Meeting (Mads Nedergaard, DFG)

The Chairman opened the meeting at 2:00pm at the Holiday Inn Harbourview, Dartmouth, Nova Scotia, Canada 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 Meeting.

2. Appointment of Rapporteur

Mr. Brent Napier (Canada) was appointed rapporteur.

3. Adoption of Agenda

The Chair introduced the agenda and advised that, based on Fisheries Commission instruction, the focus of the STACTIC meeting should be centered on the following (5) NAFO Reform items:

1. Modified procedures for serious infringements in the NAFO Conservation and Enforcement Measures (NCEM), including precautionary measures
2. Re-direction of vessels to port for select infringements under the NCEM
3. Clarification on the interpretation of NCEM Articles (specifically *Article 9 - By-catch Requirements* and *Article 20 – Recording of Catch and Stowage*)
4. Strengthening Port State measures, in particular with regard to Illegal, Unreported and Unregulated (IUU) fishing
5. Possible Observer Program changes

The revised agenda was adopted.

4. Annual Compliance Review

The Chair introduced the agenda item and expressed regret that, due to time constraints, brought about by instructions from Fisheries Commission to focus on key reform issues, this item would have to be deferred to the next meeting of STACTIC. The Chair indicated that, to date, the NAFO Secretariat had been working on modifications to the report, based on the suggestions provided by Canada at the June 2006 meeting (STACTIC Working Paper 06/6). The Chair urged Contracting Party members with delegates participating in the compliance review working group to coordinate their efforts with the NAFO Secretariat.

The Representative of Canada indicated that, given the importance of the Compliance Review, efforts had been made on the part of Canadian delegates throughout the year to work with the NAFO Secretariat and other members of the working group on the compliance review. The Representative of Canada concluded by reaffirming a commitment to continued participation in the compliance review working group.

It was agreed that this agenda item would be deferred until the next meeting of STACTIC and that the Secretariat would be asked to present the current compilation of fisheries reports for compliance review 2005, in addition to the 2006 review.

5. Outstanding Issues regarding the NAFO Reform

The Chair opened item 5

i. Strengthen the monitoring, control and surveillance (MCS) regimes including:

- **Joint MCS systems**

This agenda item was dealt with under “Dissemination of collected data”.

- **Dissemination of collected data**

At the June 2006 STACTIC Intersessional, Iceland was requested to prepare a Working Paper elaborating on the options presented to STACTIC in the Canadian proposal (STACTIC Working Paper 06/5), as well as develop a Working Paper on weekly catch reporting.

Accordingly, the Representative of Iceland introduced STACTIC Working Paper 06/23 and provided a summary of the various options contained within the paper and the technical implications of each. The Representative of Iceland indicated that option three might be preferable given: the level of automation, the need to disseminate only relevant data elements, and the relative simplicity of the required codes. However given the changes required to the North Atlantic Format (NAF), it would be useful to couple this to the larger and more expansive review and modification of the NAF. The Representative of Iceland advised that, in addition to the systemic implications Article 23.2 and Annex 19.3 of the NCEM would need to be amended.

In response the second request, the Representative of Iceland presented STACTIC Working Paper 06/24 – *Weekly Catch Reports and AGDC Advise*. The Representative of Iceland explained the technical issues relevant to this initiative and highlighted possible options/solutions.

The Chair lauded Iceland for its profound effort on this issue and indicated the importance of these initiatives to NAFO, highlighting the potential benefit to both Contracting Parties and NAFO enforcement efforts.

The Representative of the EU thanked Iceland for its efforts in this regard and agreed with the Chairs comments but remarked that questions regarding data quality should be addressed prior to implementation, given the potential for “false alarms” and other negative ramifications.

Given the required changes to both the NAFO and NEAFC systems it was agreed that there will be a need to collaborate with the NEAFC Chair of the Permanent Committee on Control and Enforcement (PECCOE) and the Advisory Group on Data Communication. STACTIC encouraged both the NAFO Secretariat and Canada to work with the Advisory Group on Data Communication on this matter.

- **Cost Sharing of MCS systems in a fair and transparent manner**

This item was briefly introduced as a follow-up to discussions that had taken place at the 2006 STACTIC Intersessional. As Contracting Parties raised no new issues with regard to this subject, the agenda item was closed.

ii. Establishment of guidelines for sanctions

Given the complexity of this issue, the priorities that had been identified by the Fisheries Commission for this STACTIC meeting and the time constraints, it was decided to focus the discussions on the EU proposal relating to the adoption of enforcement measures as an interim response to non-compliance situations.

The Representative of the EU introduced STACTIC Working Paper 06/31(Revised) - Proposal to adopt enforcement measures (proposed Article 34a – *Enforcement Measures*). The Representative of the EU

explained that the proposed enforcement measures would be applied at an early stage pending more formal administrative or judicial proceedings to avoid the repetition of serious infringements.

The Representative of Canada remarked that the words “may” and “in particular” located in Article 34(a)2 should be removed and that 34(a)2(a) should contain wording indicating the fine would be commensurate with the seriousness of the infringement. As well, 34(a)2(b) should not contain the word “prohibited” as it could be misleading. The Representative of the EU proposed that instead of removing the word “may” that it should be replaced with the word “shall” and indicated that the issue of fines being “commensurate with the seriousness” was addressed in Article 34(a). As well, the Representative of the EU suggested the proposed word “prohibited” could be replaced with the word “illegal”.

The Representative of the United States offered that, in the United States context, the gravity and history of repeat offences is taken into account and could be considerations in the enforcement measures process. The Representative of the EU acknowledged the comment but indicated that article 34(a) contained interim measures and what was being suggested was more relevant to administrative/judicial proceedings

After extensive discussion, this issue and the associated STACTIC Working Paper were referred to the Fisheries Commission for resolution.

iii. Role of observers

This item was deferred pending the outcome of agenda item 6 ix.

iv. Follow-up on infringements

Under this agenda item the Representative of the EU introduced (2) STACTIC Working Papers:

STACTIC Working Paper 06/29 - Proposal to amend Chapter IV (Article 32 – *Procedures to deal with infringements* and Article 33- *Serious Infringements*). The Representative of the EU explained that the proposed Article 32 listed and outlined the general procedures for dealing with infringements and contained elements from the current Article 33. The Representative of the EU went on to explain the intent of the proposed Article 33 was to identify a short list of serious infringements that may require more effective and immediate follow-up, including re-direction to port.

Under the proposed Article 32, the Representative of Canada questioned the need to list the infringements as they were cited in other parts of the NCEM. The Representative Canada went on to comment that the list of infringements included under the proposed 32.1 was not complete and that another option could be to add text indicating the list was not exhaustive and that the procedures also applied to any other infringements that are mentioned elsewhere in the NCEM but not included on the list.

The Representative of DFG voiced concerns over the re-direction of vessels to port given the current Canadian Port Closure Policy and the considerable time delays that would be involved for vessels of DFG. The Representative of DFG cautioned that clear guidelines were required and indicated that DFG would support the inclusion of the transshipment involving IUU vessels as a serious infringement.

The Representative of the United States reiterated a point made during the June 2006 STACTIC Intersessional that stated there were several serious infringements related to UNFA under Canadian STACTIC Working Paper 06/10 that they would support adding to the list of serious infringements.

The Representative of Canada recommended that the references to “serious” infringements should be amended in the heading and text of the proposed Article 33, as the three infringements under the proposed 33.1 are not an all inclusive list of serious infringements and several of the other infringements listed in the proposed Article 32 could be considered as serious, depending upon the circumstances. He noted that the three infringements listed in Article 33.1 are those that are proposed as requiring enhanced or special follow-up action, but this is not to say that they are the only serious infringements.

The Representative of Canada suggested that the proposed 33.1(c) should be modified from “during the fishing trip” to “within a twelve month period”. As well, The Representative of Canada recommended that, under the proposed 33.1(c), the word “apparent” be deleted as the confirmation of the previous infringement would already have taken place. The Representative of the EU argued that the term “fishing trip” was used to cover situations where there was a change of vessel masters at some point after the first infringement, i.e. so as to not penalize a vessel master for the infringements of another master.

The Representative of Canada recommended that the proposed Article 33(2) and 33(5) be reviewed very closely with a view to clarifying and strengthening the obligations of flag state Contracting Parties to take effective action in all cases where serious misreporting of catch is detected, including specific timeframes within which actions would be required.

The Representative of Canada suggested that the wording of Article 33(3) should be consistent with Article 33(8) of the current NCEM with respect to the provision allowing an inspector from another Contracting Party to board or remain on board a vessel that has been ordered to proceed to port as a result of an infringement, unless the CP of the inspected vessel requests the inspector to leave the vessel.

STACTIC Working Paper 06/30 - Proposal to amend Chapter IV, NAFO Conservation and Enforcement Measures – improved follow-up to infringements under Joint Inspection and Surveillance Scheme (Article 34 – *Follow-up to infringements* and Article 35- *Treatment of Reports from Inspectors* and Article 36 – *Report on Infringements*). The Representative of the EU provided a synopsis of the proposed changes.

After extensive discussion, these issues and the associated STACTIC Working Papers were referred to the Fisheries Commission for resolution.

• **Review of provisions of Article 20**

The Representative of the EU tabled STACTIC Working Paper 06/28 *Proposal to amend the Conservation and Enforcement Measures* (Article 20 – Recording of catch and stowage). The Representative of the EU indicated that, for reasons of clarity, the Article was split into practices for catch taken inside the NAFO Regulatory Area (NRA) and for catch taken outside of the NRA. The Representative of the EU explained that the proposed Article called for a physical separation of catch taken outside the NRA but not for catch taken inside the NRA, where clearly delineated stowage plans would serve the same purpose, not undermine inspection and not burden vessels with unnecessary obligations.

The Representative of the EU also remarked that, as in the case of proposed changes to Article 9, added changes to this Article intended to clarify the measures are necessary given the implications of other proposal that strengthen follow-up action in the case of infringements.

The Representative of Canada expressed support for attempts to resolve and clarify this issue but noted that the proposed measures are heavily dependant on clear and accurate stowage plans and that care should be taken to ensure that any amendments do not lead to added difficulties for inspectors. The Representative of Canada suggested adding wording to having product of the same species stored together to the extent possible.

The Representative of the EU acknowledged the comments but indicated that these concerns were unwarranted given the inspection experience of the EU over the last two years. In addition to the inspection experiences, the Representative of the EU indicated that it would not be practical for fishing vessel masters to scatter species throughout the hold as it would make the eventual offloading of catch difficult.

After extensive discussion, this issue and the associated STACTIC Working Paper were referred to the Fisheries Commission for resolution.

- **Strengthening Port State measures, in particular with regard to Illegal, Unreported and Unregulated (IUU) fishing**

The Representative of the EU introduced STACTIC Working Paper 06/32 (Revision 4) – Proposal to modify the IUU measures (Article 48). STACTIC reviewed the issue and agreement was reached on the range of measures to be introduced to strengthen controls with regard to IUU vessels.

The STACTIC Working Paper was referred to STACFAC for their deliberation.

6. Possible Amendments of Conservation and Enforcement Measures

i. Review of provisions of Article 9 re interpretation.

The Representative of the EU introduced STACTIC Working Paper 06/27 (Revised) *Proposal to amend the Conservation and Enforcement Measures* (Article 9 – By-catch Requirements) and provided a detailed summary of the proposed changes. The Representative of the EU explained that, in addition to reformatting the paragraph for reasons of clarity, the primary changes included; the requirement of vessels to move 10 nautical miles from any position of the previous tow where the percentage of by-catches in any one haul exceeds the established by-catch limits, the obligation to leave the NAFO Division for 48 hours if after moving 10 nautical miles the next haul still exceeds the by-catch limits, a derogation for vessels directing for skate and a 3 hour trial tow provision.

The Representative of the EU remarked that added changes to this Article intended to clarify the measures were necessary given the implications of other proposals that strengthen follow-up action in the case of infringements.

The Representative of Canada thanked the EU for their proposal and indicated that it was a good starting point but indicated that, when building in added flexibility to allow for due diligence, there must also be a balance with clear rules that prevent abuse. The Representative of Canada indicated that the obligation to leave the NAFO Division, when a second haul also exceeds the by-catch limits, was valid but that 48 hours was perhaps too short a period. As well, the Representative of Canada suggested that the provision calling for a 3 hour trial tow should have a shortened duration. In addition to these comments the Representative of Canada remarked that the derogation proposed for those vessels directing for skate was unnecessary given the nature of the fishery, i.e. the use of large mesh fishing gear in the skate fishery means that by-catch problems should not be a significant issue.

The Representative of the EU indicated that a 3 hour trial tow was realistic given that the duration of normal tows may be between 6 and 8 hours and added that if the period was too short it would not be a good indicator. In relation to the proposed derogation in the skate fishery, the Representative of the EU acknowledged that the need to use this derogation would be a rare event, but that it was unreasonable to punish the vessel master in cases where this did occur.

At the conclusion of the discussion, this issue and the associated STACTIC Working Paper were referred to the Fisheries Commission for resolution.

ii. Product labeling by species/stock area

Given the focus on reform issues and the resulting time constraints this agenda item was deferred until the next meeting of STACTIC.

iii. Strengthening ropes, bags, topside chafers (all delegations to provide national measures on attachments to nets)

Given the focus on reform issues and the resulting time constraints this agenda item was deferred until the next meeting of STACTIC. The Chair urged those Contracting Parties that had not yet provided information on domestic regulations to do so in preparation for discussions at the next meeting of STACTIC.

iv. Notification and catch reporting requirements in 3L and 3M shrimp fisheries

Given the focus on reform issues and the resulting time constraints this agenda item was deferred until the next meeting of STACTIC.

v. Accurate catch reporting

Given the focus on reform issues and the resulting time constraints this agenda item was deferred until the next meeting of STACTIC.

vi. Missing data elements and reference to Annex XXII

The Chair introduced the agenda item and the NAFO Secretariat provided some background and summarized the proposed editorial changes to the Conservation and Enforcement Measures found in NAFO correspondence GF/05-426.

The Representative of the EU explained the rationale for the submission of NAFO correspondence GF/05-426, which called for the editorial changes to be delayed pending a STACTIC discussion on the matter, indicating the issue was a procedural matter that required STACTIC's attention.

The Representative of Iceland acknowledged that changes were required but indicated that a further review of the alterations was necessary given some apparent inconsistencies. He committed to working with the Secretariat to finalize the required modifications. The agenda item was then closed.

vii. Clarification re Article 15.2

The Chair introduced NAFO document GF/05-439 and the NAFO Secretariat provided an overview of the action taken regarding the replacement of a vessel, due to mechanical breakdown, identified in a charter arrangement with the view to obtaining a clarification on the issue.

The Representative of Norway cautioned that this Article was a compromise on the part of Contracting Parties that did not want to allow chartering arrangements, as the original intent of this Article was to limit chartering arrangements, and any clarification or proposed text changes should bare this in mind.

After further discussions on the matter, the Representative of the EU and the Representative of France (in respect of St. Pierre-et-Miquelon) endeavoured to develop a proposal intended to clarify the issue.

The Chair introduced STACTIC Working Paper 06/34, a joint EU and France (in respect of St. Pierre-et-Miquelon) proposal intended to clarify Article 15.2.

STACTIC accepted the proposal and referred the item to the Fisheries Commission for final decision.

viii. Submission of Monthly Provisional Catch statistics

The Chair opened the agenda item and the NAFO Secretariat provided some background and a brief update, indicating that the matter (submission of data by country) was currently with the Fisheries Commission for review.

The item was deferred, pending feedback from the Fisheries Commission.

ix. Changes to Observer Program

The Chair introduced STACTIC Working Paper 06/26 *Participation of Faroese vessels in the Pilot Project on Observers, Satellite Tracking and Electronic Reporting during 2005* and opened the floor to comments.

The Representative of Norway remarked that the intention of the Observer Pilot Project was to gather information on possible changes to the NAFO Observer Program. The Representative of Norway indicated that there had been no new experience on the part of Norway since the winter of 2005 but that Norway's experience, as highlighted in STACTIC Working Paper 06/25, daily electronic catch reports seemed to meet the objectives of the Control and Enforcement Measures. The Representative of Norway indicated that perhaps the Pilot Project should be extended for an additional year to allow for more time.

The Representative of Denmark in respect of the Faeroe Islands and Greenland (DFG) indicated that it was DFG's experience that electronic reporting was effective and that there were no major occurrences of non-compliance. The Representative of DFG support Norway's suggestion that perhaps there could be an extension to the Observer Pilot Project and development of a proposal.

The Representative of Iceland tabled STACTIC Working Paper 06/33(Revision 2) – *Changing of Chapter VII in the CEM from a Pilot Project to permanent measure* and introduced the main elements that included: a reduction in observer coverage to 20%, a NAFO electronic form to be completed by the onboard observer, daily electronic transmission of Observer Forms, a NAFO electronic catch report to be produced by the master, daily electronic transmission of catch reports and two hour VMS messages. The Representative of Iceland stated that the Pilot, from the Icelandic perspective, had been a success and electronic reporting was a better alternative to, and more economical than, the current Observer Program.

The Representative of the EU remarked that the proposed elimination of the title in Chapter 7 requires the creation of a new title but aside from that minor comment was supportive of the proposal. The Representative of Iceland indicated the title could remain the same but suggest simply the removal of the words "Pilot Project". The Representative of Norway and DFG also expressed sympathies for the proposal.

The Representative from Canada thanked Iceland for the proposal and indicated that there were several interesting concepts, however indicated that it might be better to incorporate the concepts, should they be accepted, into the body of the CEM instead of leaving them in an annex. In addition the Representative of Canada indicated that the proposed coverage level (20%) should be further considered and a rationale for any such decrease should be developed. Aside from the two comments mentioned Canada could support other elements of the proposal, i.e. electronic observer forms and catch reports that would be transmitted on a daily basis. He also suggested that the proposal for two hour VMS messages should be amended to hourly messages.

The Representative of Iceland remarked that the proposal would be best placed as a stand-alone annex and that the proposed coverage reduction was based on Iceland's Pilot Project experiences. Iceland could, however support a reduction for 2 hour VMS reporting to 1 hour.

The Representative of the United States indicated that although there were certainly economic benefits to observer coverage reductions, questioned whether the scientific role and provision of data to the Scientific Council, under the current scheme, would be compromised with proposed reductions. The Representative of the EU questioned the actual scientific benefit of observers under the current scheme. The Representative of Norway commented that under the current Article 24, the primary role of the observer is compliance. The Representative of Iceland agreed with Norway and indicated that scientific data could be collect through other means, such as electronic reports.

After extensive discussion, this issue and STACTIC Working Paper 06/33 (Revision 3) were referred to the Fisheries Commission for resolution.

7. Timely Submission of Fishery Statistical Data

Given the focus on reform issues and the resulting time constraints this agenda item was deferred until the next meeting of STACTIC.

8. Omega Mesh Gauge

Given the focus on reform issues and the resulting time constraints this agenda item was deferred until the next meeting of STACTIC. Some Contracting Parties are currently testing the Omega Mesh Gauge and were encouraged to report on their findings at the next meeting of STACTIC.

9. Other Matters

- **STACTIC Working Paper 06/15 – New North Atlantic Format (NAF) – codes and reports used by Norway in national and bilateral systems**

The Representative of Norway explained that this paper was provided as an information item to demonstrate what was currently being explored within NEAFC and indicated that the codes contained within were not currently relevant in the NAFO context.

- **STACTIC Working Paper 06/17 – Transshipment Issue**

The Chair introduced the item but indicated that, due to absence of delegates from Contracting Parties with a vested interest, the matter would be deferred to a later date.

- **STACTIC Working Paper 06/18 - NAFO CEM regarding Transshipment and Vessel Registry**

The Chair pointed out that the NAFO Reform Working Group was reviewing elements of this matter and advised that this issue would be deferred pending the outcome of this process.

- **STACTIC Working Paper 06/22 - Review of VMS Tender**

The representative of Norway requested information on the outcomes of the NAFO VMS Tender Process.

The Chair introduced STACTIC Working Paper 06/22 (presented by the NAFO Secretariat) and indicated that this document provided a summary of the outcomes. The Chair indicated that STACTIC would now need to develop a process to begin the laborious review and evaluation of the bids and indicated that it was likely not feasible to complete this task during the 2006 Annual Meeting.

The representative of Canada agreed that it was not feasible to complete the evaluation process during the 2006 Annual Meeting and proposed the option of delegating the task to a sub-committee of technical experts.

The representative of the EU volunteered to develop a draft template for the assessment of the VMS call for tender.

The representative of Iceland suggested as an option that the Advisory Group on Data Communication could be requested to undertake a review of the bids during their upcoming meeting in October of 2006.

The Chair, not wishing to delay the process supported the creating of a small working group coordinated by the NAFO Secretariat, which would evaluate the technical components. The Chair also indicated that STACFAD would need to be advised of the process and consulted on the financial elements.

The representative of the EU indicated that, as the current VMS contract was currently providing an adequate level of service, there was no pressing need to replace the current contractor. Notwithstanding the current level of service, the representative of the EU indicated that a periodic call for tenders should be considered to continually assess the availability of other providers and encourage the active provider to maintain an adequate level of performance. The Representative of the EU suggested a three tiered approach which included:

- 1) The NAFO Secretariat would provide a table that would contain a list of the companies that bid, their respective locations and an indication as to whether or not currently providing similar types of services by the end of September 2006.

- 2) Using the assessment criteria table provided by the EU as a template, a working group of technical advisors would conduct the evaluation of the bids and prepare a report for STACTIC.
- 3) The NAFO Secretariat would develop a table that would compare and document the specifications listed in the call for tender with the associated price provided for each element by the bidding companies by the end of September 2006. This list would be provided to STACTIC for eventual distribution to STACFAD.

The Representative of Canada noted that the working group conducting the assessment of the bids would need to take into account the selection criteria provided to the bidders in the original call for tender.

STACTIC members agreed to establish a working group, chaired by Iceland and comprised of technical experts from Canada, Iceland, Norway, the EU and DFG which could meet in the margins of the meeting of the Advisory Group on Data Communication, to be held in Tallinn on 5 October 2006. It was agreed that the working group should review the proposals and return to STACTIC with an assessment of the nine bids received under the VMS Call for tender by mid-November 2006. The Chair committed to coordinating this process with the Chair of STACFAD.

10. Election of Vice-Chair

The decision was deferred pending the merger with STACFAC to assure that the relevant expertise is available within the new group.

11. Time and Place of Next Meeting

Barring commitments from other Contracting Parties to host, the next meeting of STACTIC will take place in Copenhagen, date to be determined.

12. Adoption of Report

The report was adopted.

13. Adjournment

The meeting adjourned at 11:35am on Thursday, September 21st, 2006.

Annex 1. Agenda

1. Opening by the Chair, Mads Nedergaard (DFG)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Annual compliance review 2005
5. Outstanding issues regarding the NAFO Reform
 - i. Strengthening the monitoring, control and surveillance (MCS) regimes including:
 - Joint MCS systems
 - Dissemination of collected data
 - Cost sharing of MCS systems in a fair and transparent manner
 - ii. Establishment of Guidelines for Sanctions
 - iii. Role of Observers
 - iv. Follow-up on infringements
 - Review of provisions of Article 20
 - Strengthening Port State measures, in particular with regard to Illegal, Unreported and Unregulated (IUU) fishing
6. Possible Amendments of Conservation and Enforcement Measures
 - i. review of provisions of Article 9 re interpretation
 - ii. product labeling by species/stock area
 - iii. strengthening ropes, bags, topside chafers (all delegations to provide national measures on attachments to nets)
 - iv. notification and catch reporting requirements in 3L and 3M shrimp fisheries
 - v. accurate catch reporting
 - vi. missing data elements and reference to Annex XXII
 - vii. clarification re Article 15.2
 - viii. submission of Monthly Provisional Catch Statistics
 - ix. changes to Observer Program (Article 24)
7. Timely submission of fishery statistical data
8. Omega Mesh Gauge
9. Other Matters
10. Election of Vice-Chair
11. Time and Place of Next Meeting
12. Adoption of Report
13. Adjournment

SECTION IV
(pages 215 to 266)

Report of the General Council
19-20 April 2007
Montreal, Quebec, Canada

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Report of the General Council (GC Doc. 07/1)

19-20 April 2007
Montreal, Quebec, Canada

I. Opening Procedure

1. Opening by the Chair, David Bevan

The Chair welcomed all delegates to Montreal. Representatives of ten Contracting Parties were present: Canada, Denmark in respect of Faroe Islands and Greenland (DFG), the European Union, France in respect of St. Pierre et Miquelon (France-SPM), Iceland, Japan, Norway, Russia, Ukraine and the United States of America (Annex 1). The Chair of the Scientific Council was also in attendance.

2. Appointment of Rapporteur

The Executive Secretary was appointed Rapporteur.

3. Adoption of Agenda

It was agreed to change the order of the agenda items and move the current item 4 (Formula for budget contributions) to item 7 (Annex 2).

II. Outstanding Issues

Before the meeting, the Chair had requested the Chair of the Reform Working Group, Mr. Ekwall (EU) to up-date his working paper for an amended Convention. The GC Chair had also requested Contracting Parties to provide suggested changes to the text to the Executive Secretary within seven days of receipt, i.e. 5 April 2007. Following this request, a number of substantive new proposals regarding this Working Paper were submitted by Canada and the Chair of the Scientific Council.

4. Concerns of the Scientific Council

The SC Chair presented GC WP 07/1 (Annex 3). Many participants recognized that the proposed Article VI.4h (stipulating that the Commission should “guide the Scientific Council in its work”) could be misunderstood as a lack of independence of the Scientific Council with regard to its advice and the way it carries out its work. This was not the intention of the Organization.

Nonetheless, participants felt that the Convention should reflect the influence that the Commission has regarding the priorities of the Scientific Council. Therefore, it was agreed to reword the subparagraph as follows: “guide the Scientific Council in identifying tasks and priorities of its work”.

Furthermore, Delegates felt that Contracting Parties should have influence with regard to convening the Scientific Council meetings and opted to retain the original wording of the proposed Article VII paragraph 3.

Delegates however agreed to the suggestion by the Scientific Council to delete the addition “including scientific research” from the definition of “fishing activities” (Article I.g).

Finally, the meeting considered GC WP 07/6 (Annex 4) containing a proposal by the Scientific Council to redefine the area boundaries between 3L and 3M in order to take into account natural ecosystem boundaries (Flemish Cap) that influence the distribution of many fish stocks.

The General Council decided in view of time limitations that there was no urgency in considering this matter since the current and the amended Convention foresees a simplified procedure for modifying the provisions at issue by a two thirds majority at any time (Article XXI.6)

5. Whether entities should be entitled to become a member of NAFO

The DFG representative introduced this item referring to Reform WG WP 06/22. The proposal was to assure this possibility by including the term entity in the definitions of “Contracting Party” and “Flag State”.

A resulting drafting group attempted to adapt text from the UN Fish Stocks Agreement to address concerns voiced by some participants with regard to this proposal.

Alternative wording was revised several times during the meeting without final results. A concluding proposal was made by the DFG which will require additional intersessional discussions among some Contracting Parties: “‘Contracting Party’ means” ... “ii) any entity as referred to in Article 305 paragraph 1c), d) or e) of the 1982 Convention which has consented to be bound by this Convention and for which the Convention is in force”.

Reservations were raised by Russia on this issue pending internal consultations. It was suggested that the introduction of “entity” would not only be required for the definitions of “Contracting Party” and “Flag State” but also of “Port State”.

Finally, in this context Ukraine suggested that any articles from other agreements that are referenced in the body of the NAFO Convention should be included as full text in the amended Convention so that it could be completely understood as a stand-alone document. This was briefly discussed without conclusion.

6. Other issues raised by Contracting Parties

Canada explained its proposal for changes to the 5th revision of the Reform WG WP 06/1 (which during the meeting was replaced by GC Working Paper 07/12) (Annex 5). Regarding suggested changes to the preamble and to Article III (“General Principles”) the meeting agreed to maintain the text from September 2006.

Canada also proposed to maintain the fisheries management decision making powers of the Commission to the Regulatory Area only, with the explanation that this is reflected in the current Convention. Many Delegates voiced their concerns regarding the effective protection of straddling stocks on the basis of the UNFSA principles. However, Canada’s proposal to replace “Convention Area” with “Regulatory Area” in Article VI paragraph 4 was accepted with the amendment “or in the Convention Area where agreed by consensus”.

With regard to Article XI.1 it was agreed to delete the reference to “Convention Area” as area of application in item (a) and instead insert a reference to Article VI for clarification.

Furthermore, while participants did not agree to lower the required majority of two thirds for a decision-making vote in general, they however concurred to allow a simple majority for the purposes of convening an *ad hoc* panel (Article XIV.8).

DFG referred to their letter of 4 April (GFS/07-113) which sought clarification of provisions related to decision making (Article XIV). Discussions during the meeting confirmed that Parties share a common understanding of the importance of making all efforts to reach consensus, but that the objection procedures outlined in paragraphs 2 – 10 of Article XIV can ultimately also be invoked with respect to decisions made by the Commission in accordance with paragraph 11 of Article XIV.

Also, the meeting accepted Canada’s proposal to add two articles after Article XVIII, one entitled “Good faith and abuse of rights”, and the other entitled “Relations to other Agreements”. The proposal to delete the third paragraph of Article IV¹ was met with reservation by France-SPM.

¹ Article IV, paragraph 3 states: “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.”

USA introduced GC WP 07/4 (Annex 6) suggesting changes to Article VI paragraphs 7 and 9 (addressing the allocation of fishing opportunities), Article XV (ability of CPs to have their case heard) and Article XIX (Amendments to the Convention).

It was agreed to accept the proposal regarding Article VI.9 provided that the reference to WTO was deleted. The USA withdrew its proposal amending Article XV. The other proposals were rejected by the meeting.

7. Formula for budget contributions (Article IX.2)

Canada presented GC WP 07/2 (Annex 7) with proposed solutions to eliminate “double taxation” by Coastal States, to take into account a national wealth component of Contracting Parties, and to revise the species list for the calculation of catches for financial contributions to NAFO.

The revised list includes relevant species for the NAFO fisheries as suggested by Scientific Council and deletes those (coastal) species that are not dealt with by NAFO.

The meeting did not wish to introduce a wealth component to the NAFO calculation of contributions. However, a number of participants suggested easing the burden of Contracting Parties with small populations. After much discussion and evaluation of different scenarios, the solution which found the most support among Contracting Parties was to keep the current contribution formula on the basis of a revised species list and a 15% limit for members with small populations (see Annex 9). However, DFG, Russia and Ukraine placed a reserve on this pending internal consultation within their governments.

Participants agreed to transfer the species list from Annex I of the Convention to the NAFO “Financial Regulations” to allow more flexibility for future adjustments.

III. Technical Editing

8. Technical editing considerations

The meeting decided that a Technical Editing Working Group (TEWG) should meet 22-23 May 2007. The Terms of Reference for this Working Group were agreed upon (GC WP 07/11, Revised) (Annex 8).

The meeting felt that it might not be possible to make available a French version of the amended Convention for the TEWG meeting and decided that the translation into French could be dealt with at a later time. Also, the TEWG might be overburdened when asked to deal with two languages.

IV. Closing Procedure

9. Other business

France-SPM reminded participants that the definition of the French EEZ for the purpose of the Convention Area map still needs to be addressed.

The meeting acknowledged the desirability of applying interim measures after adoption of the amended Convention and until it was ratified by Contracting Parties. The Chair stressed that discussions among Contracting Parties on interim measures should begin as soon as possible.

10. Adjournment

The Chair reminded the meeting that a proposal to amend the Convention had to be submitted to the Organization by 25 June 2007. Until then, Contracting Parties still had the opportunity to resolve some of the outstanding issues that will be identified by brackets in the new amended version resulting from this meeting (GC Working Paper 07/12) (Annex 5). Also, it would be favourable if any new wording for the outstanding issues would be available to the Technical Editing Working Group by 22 May 2007.

The meeting was adjourned on Friday, 20 April 2007 at 17:30 hours.

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Annex 2. 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
3. Adoption of Agenda

II. Outstanding Issues

4. Concerns of the Scientific Council
5. Introduction of a term “entity” in definitions of “Contracting Party” and “Flag State”
6. Other issues raised by Contracting Parties
7. Formula for budget contributions

III. Technical Editing

8. Technical editing considerations

IV. Closing Procedure

9. Other business
10. Adjournment

Annex 3. Scientific Council Comments on Reform WG WP 06/1, Rev. 5
(GC Working Paper 07/1 – presented by Scientific Council Chair)

The suggestions here are based on Scientific Council discussions, SCS Doc. 06/21 (June 2006) presented to the Reform WG as Reform WG WP 06/17 (September 2006), and SC WP 06/35 (September 2006).

Substantive Issues

Article VI – The Commission

- 4(h) **original:** guide the Scientific Council in its work;
proposal: ensure that the Organization and its constituent bodies are guided by the Convention;

Article VII – the Scientific Council

3. **original:** 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 at his or her own initiative or upon the request of a Coastal State or upon the request of a Contracting Party with the concurrence of another Contracting Party.

proposal: Any special 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.

- 4(e) operate within the framework of this Convention and Articles II, III and VII in particular;

A new statement to define the work of Scientific Council.

- 4(f) exercise such other functions and carry out such other duties and activities consistent with this Convention as it may from time to time decide.

A new statement to allow for changes in working protocol, likely to come mainly from the implementation of the Ecosystem Approach.

Less Substantive Issues

Article I – Use of Terms

- (g)(ii) **original:** 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;
proposal: engaging in any activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fishery resources for any purpose;

"for any purpose" covers scientific research and so "including scientific research" is not required.

Article VI – The Commission

- 4(g) **original:** supervise the organisational, administrative, financial and other internal affairs of the Organization, including the relations among its constituent bodies;
proposal: supervise the organisational, administrative, financial and other internal affairs of the Organization;

The second clause seems inappropriate here and the content is covered by the suggested change to 4(h).

Article VII – the Scientific Council

4(d) **original:** to provide scientific advice to the Commission, pursuant to paragraph 7 or on its own initiative as required for the purposes of the Commission.

proposal: to provide scientific advice to the Commission, pursuant to paragraph 7 or on its own initiative pursuant to the objective of Article II.

Advice to the Commission is covered under 8(a) and so can be removed from here and addition to clarification the relevance of the advice to the Convention.

Editorial Issues

These are suggestions that make the text more applicable to Scientific Council and improve consistency with Article VI. Edits included under substantive issues have not been included here.:

Article VII – the Scientific Council

1 **original:** Each Contracting Party shall be a member of the Scientific Council and shall appoint its own representatives who may be accompanied at any of its meetings by alternates, experts and advisers.

proposal: Each Contracting Party shall be a member of the Scientific Council and may appoint representatives who may be accompanied at any of its meetings by alternates, experts or advisers.

4(a) **original:** 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 fishing activities in the Convention Area and their ecosystem, fishery resources status and their forecast including environmental and ecological factors affecting these fishing activities, and to encourage and promote cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to these matters;

proposal: to provide a forum for Contracting Parties for the study, appraisal, and exchange of scientific information and views on-the fishery resources-of the Convention Area and their ecosystem.

5. **original:** The functions of the Scientific Council may, where appropriate, be carried out in cooperation with other public or private organisations having related objectives.

proposal: Scientific Council may cooperate with other public or private organisations sharing similar objectives.

6. **original:** Each Contracting Party shall furnish to the Scientific Council any available statistical and scientific information required by it for the purpose of this Article.

proposal: Scientific Council may request Contracting Parties to provide statistical or scientific information that it requires for the exercise of its functions.

10. **original:** Scientific advice to be provided by the Scientific Council pursuant to this Convention shall be determined by consensus. Where consensus cannot be achieved, the Scientific Council shall set out in its report all views advanced on the matter under consideration.

proposal: The Scientific Council shall provide advice by consensus. Where consensus cannot be achieved, the Scientific Council shall in its report set out the dissenting views of its members.

11. **original:** 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.

proposal: Decisions of the Scientific Council with respect to the election of officers, adoption or 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. Each Contracting Party shall have one vote. No vote shall be taken in the absence of a quorum of at least two-thirds of the Contracting Parties.

13. **original:** The Scientific Council may establish such subsidiary bodies and subcommittees as it considers desirable for the exercise of its duties and functions.
- proposal:** The Scientific Council may establish such subsidiary bodies as it considers desirable for the exercise of its functions and provide them with guidance for the exercise of their activities.
14. **original:** The Scientific Council shall adopt rules to provide for the participation as observers of representatives from inter-governmental organisations and non-governmental organisations to its meetings, as appropriate. The Scientific Council shall also adopt rules to provide for the participation of representatives of non-Contracting Parties as observers to meetings of the Scientific Council. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of the Scientific Council, subject to the procedural rules that the Scientific Council may adopt.
- proposal:** The Scientific Council shall adopt rules to provide for the participation of representatives of inter-governmental organisations and non-governmental organisations as observers to its meetings, as appropriate. Such rules may include procedural requirements and may not be unduly restrictive.

Annex 4. References to 3M boundary definition
(GC Working Paper 07/6 – presented by Scientific Council Chair)

a) From the Report of the Scientific Council Meeting, 2006:

5. **NAFO Reform** (SCS Doc. 06/21)

3. Scientific Council noted that the boundary definition of Division 3M does not include the south-western deeper part of the Flemish Cap. Certain deep-water species living on the south-western corner of the Flemish Cap are currently recorded under Division 3L. An exception has been made for shrimp by recording catches from the rectangular portion of 3L as 3M (see CEM 2006, Annex 12, Fig. 1, p. 1-8). Scientific Council **recommended** that *boundaries of Divisions 3M and 3L be re-defined so that 3M includes that small rectangle currently in 3L.*

b) From the CEM:

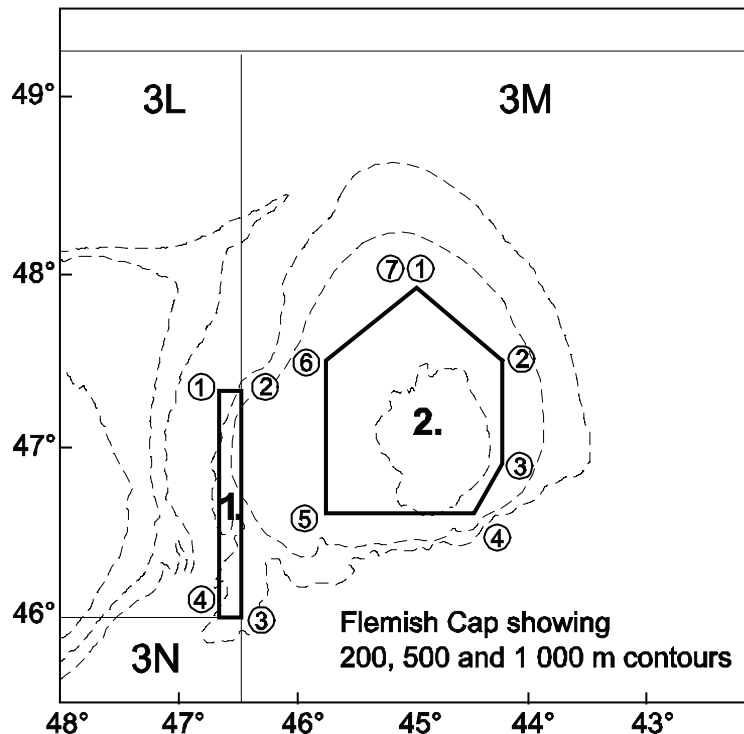


Figure 1. Geographic coordinates of areas in 3L (1) and 3M (2) referred to in Articles 5, 6, and 12.

c) Implications on stocks distributed on the said rectangle or close to it:

Cod 3M and 2J3KL – Cod seldom occurs in the rectangle. When it occurs, it must be considered from Div. 3M instead of Div. 3L.

Greenland halibut 2+3KLMNO – The populations in Divs. 3M and 3L are considered parts of the same stock unit.

American plaice 3M and 3LNO – American plaice seldom occurs in the rectangle. When it occurs, it must be considered from Div. 3M instead of Div. 3L.

Witch flounder 2J+3KL – while witch flounder distributes in the deepest strata of Divs. 2J+3KL, it distributes in the shallowest strata of Div. 3M, where its abundance does not allow a directed fishery. The occurrence in the rectangle is considered insignificant.

Yellowtail flounder 3LNO – A shallow water species in the Grand Banks. It is not found in Div. 3M or in the rectangle.

Thorny skate 3LNOPs – The stock in Div. 3M is low and, lacking further evidence, it is considered independent from the stock in Divs. 3LNOPs. It does not allow for a direct fishery. The species is distributed in less than 800 meters, and its occurrence in the rectangle should be considered from Div. 3M.

Squid 3+4 – Squid is a rare species in Div. 3M and the rectangle.

Redfish 3M and 3LN – These two stocks are considered independent and have different management. Catches in the rectangles must be considered Div. 3M and not Div. 3L, as it occurs at present.

Shrimp 3M and 3LNO – Current CEM regulation applies these boundaries to shrimp.

d) Proposed changes to the Reform Chair's WP

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 47°20' north latitude, thence due west to the meridian of 46°40' 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, including the zone south of the parallel of 47°20' north latitude and east of the meridian 46°40' west longitude;

Division 3N

That portion of the Subarea lying south of the parallel of 46°00' north latitude and between the meridian

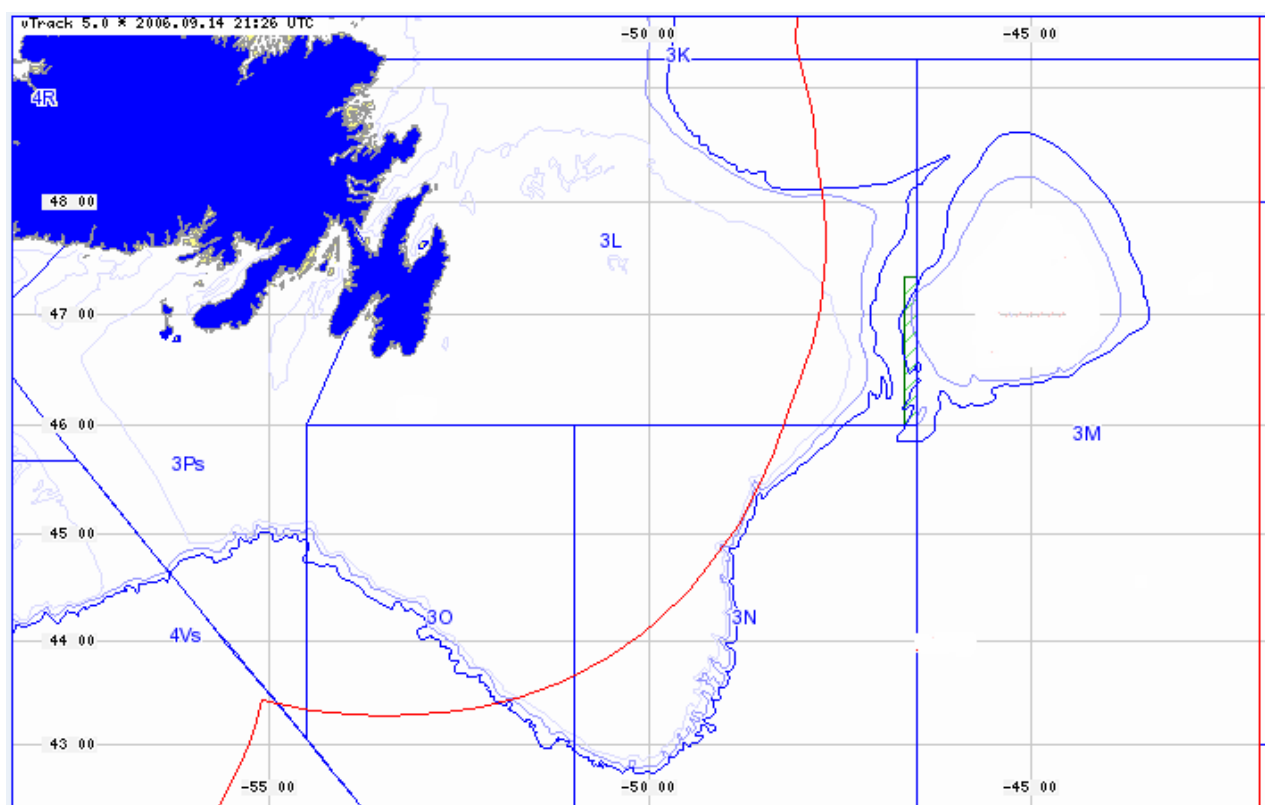


Figure 2. Reference area in NCA

Annex 5. Amended Convention Text

(GC Working Paper 07/12)

Convention on

Cooperation in the Northwest

Atlantic Fisheries

(items with square-bracketed text indicated by arrow in left margin)

The CONTRACTING PARTIES,

NOTING that the Coastal States of the Northwest Atlantic have established exclusive economic zones in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982, and general principles of international maritime 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 of 4 August 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 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 on 31 October 1995 and related instruments adopted by the Food and Agriculture Organization of the United Nations;

FURTHER 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;

MINDFUL that effective conservation and management measures for these fishery resources should be based on the best available scientific advice and the precautionary approach;

COMMITTED to applying an ecosystem approach to fisheries management in the Northwest Atlantic area which includes safeguarding the marine environment, conserving its marine biodiversity, minimizing the risk of long term or irreversible adverse effects of fishing activities in the area, and taking account of the relationship between all components of the ecosystem;

FURTHER COMMITTED to conducting responsible fishing activities and to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing activities;

HAVE AGREED as follows:

Article I – Use of Terms

For the purpose of this Convention, the following terms are used:

- (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 of 4 August 1995;
- (c) “Coastal State” means a Contracting Party exercising fisheries jurisdiction in waters forming part of the Convention Area;

(d) “Contracting Party” means

i) any State and regional economic integration organisation which has consented to be bound by this Convention, and for which the Convention is in force;

➡ [(ii) This Convention applies *mutatis mutandis* to any entity referred to in the Article 305, paragraph 1 c), d) and e) of the 1982 Convention, which becomes a Party to this Convention, and to that extent “Contracting Party” refers to such entities.]

(e) “Convention Area”, means the area to which this Convention applies, as prescribed in Article IV paragraph 1;

(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 and catadromous stocks as well as highly migratory species listed in Annex I of the 1982 Convention;

(g) “Fishing activities” means harvesting fishery resources, processing operations of fishery resources, transshipment of fishery resources or fishery resource products, and any other activity in preparation for or related to the harvesting of fishery resources, 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;

(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.

(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 activities, including experimental or exploratory fishing activities;

(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 [; or]

➡ [(iii) an entity referred to in Article 305 paragraph 1 c), d) or e) of the 1982 Convention whose vessels are entitled to fly its flag.]

(j) “IUU fishing” means activities as defined in paragraph 3 of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing of the Food and Agriculture Organisation of the United Nations of 2 March 2001.

(k) “Living marine resources” means all living components of the marine ecosystems;

(l) “Marine biological diversity” means the variability among living marine organisms and the ecological complexes of which they are part and this includes diversity within species, between species and of ecosystems;

(m) “Nationals” include both natural and legal persons;

(n) “Port State” means any State receiving fishing vessels in their ports including port offshore terminals and other installations for, inter alia, landing, transshipping, refuelling or re-supplying;

(o) “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;

- (p) "Regulatory Area" means the part of the Convention Area which lies beyond the areas in which Coastal States exercise fisheries jurisdiction;

Article II -Objective

The objective of this Convention is to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources occur.

Article III – General Principles

In giving effect to the objective of this Convention, Contracting Parties shall in particular:

- (a) promote the optimum utilization and long-term sustainability of fisheries resources;
- (b) base measures on the best scientific advice available and adopt measures to ensure that fishery resources are maintained at levels capable of producing maximum sustainable yield, and rebuild fishery resources to the said levels;
- (c) apply the precautionary approach in accordance with Article 6 of the 1995 Agreement;
- (d) take due account of the impact of fishing activities on other species and marine ecosystems and in doing so, adopt measures to minimize harmful impact on living marine resources and marine ecosystems;
- (e) take due account of the need to preserve marine biological diversity;
- (f) prevent or eliminate overfishing and excess fishing capacity, and ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fishery resources;
- (g) ensure that complete and accurate data concerning the fishing activities within the area of application are collected and shared in a timely manner among the Contracting Parties.
- (h) ensure effective compliance with management measures and that sanctions for any infringements are adequate in severity; and
- (i) 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] Option to delete

1. This Convention applies to the waters of the Northwest Atlantic Ocean north of 35°00' N and west of a line extending due north from 35°00' N and 42°00' W to 59°00' N, thence due west to 44°00' W, 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' N.
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.] Option to delete



Article V – the Organisation

1. Contracting Parties hereby agree to establish, maintain and strengthen the Northwest Atlantic Fisheries Organisation, hereinafter “the Organization” which shall carry out its functions as set forth in this Convention in order to achieve the objective of this Convention.
2. The Organization shall consist of:
 - (a) a Commission and any subsidiary bodies and sub-committees that the Commission may establish from time to time to assist it in its work;
 - (b) a Scientific Council and any subsidiary bodies and sub-committees that the Scientific Council may establish from time to time to assist it in its work; and
 - (c) a Secretariat.
3. The Organization 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 objective. The immunities and privileges which the Organization and its officers shall enjoy in the territory of a Contracting Party shall be subject to an agreement between the Organization and the Contracting Party including, in particular, a Headquarters Agreement between the Organization and the host Contracting Party.
4. The Chairperson of the Commission shall be the President of the Organization and shall be its principal representative.
5. The headquarters of the Organization shall be in the Halifax Regional Municipality, 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 the Organization 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) adopt proposals for conservation and management measures to achieve the objective of this Convention within the Regulatory Area, or in the Convention Area, where agreed by consensus;
 - (b) adopt proposals for total allowable catches and/or levels of fishing effort and determine the nature and extent of participation in fishing in the Regulatory Area, or in the Convention Area, where agreed by consensus;
 - (c) adopt, where necessary, proposals for conservation and management measures to minimise the impact of fishing activities on living marine resources and marine ecosystems in the Regulatory Area, or in the Convention Area, where agreed by consensus;

- (d) adopt proposals for 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; and
 - (ii) inspections of fishing vessels in ports by Contracting Parties where fishery resources originating from the Regulatory Area, or in the Convention Area, where agreed by consensus, are being landed and required follow-up actions by port or flag States on the basis of evidence resulting from such inspections in accordance with Article XII and international law;
 - (e) develop appropriate processes in accordance with international law to assess flag States' performance with respect to implementing the obligations regarding fishing vessels flying their flag set out in this Convention, and adopt proposals if appropriate to ensure flag state performance;
 - (f) adopt proposals for measures to prevent, deter and eliminate IUU fishing;
 - (g) supervise the organisational, administrative, financial and other internal affairs of the Organization, including the relations among its constituent bodies;
 - (h) guide the Scientific Council in identifying tasks and priorities for its work;
 - (i) direct the external relations of the Organization;
 - (j) approve the budget of the Organization pursuant to Article IX; and
 - (k) exercise any other function as is conferred upon it by this Convention as required from time to time.
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, and other human activities, where appropriate, on living marine resources and marine ecosystems;
 - (d) develop proposals for the conduct of fishing for scientific purposes; and
 - (e) develop proposals for the collection, submission, verification, access to and use of data.
6. In exercising its functions pursuant to 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 a 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 the interest of the relevant Coastal States. 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 activities 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 fishing activities 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 activities on living marine resources, and the safeguarding of the ecosystem in which these resources occur.
9. The Commission, shall, when necessary, develop procedures which allow for measures, including non-discriminatory trade-related measures, to be taken, by Contracting Parties against any flag State or fishing entity whose fishing vessels participate in fishing activities in a manner that undermines the effectiveness of the conservation and enforcement measures adopted by the Commission. Implementation by a Contracting Party of trade-related measures shall be consistent with its international obligations.
10. The Commission shall adopt, and amend as occasion may require, its rules of procedure, financial regulations and other regulations, required for the functioning of the Commission.
11. The Commission may establish such subsidiary bodies and subcommittees as it considers desirable for the exercise of its duties and functions and guide their activities.
12. The Commission shall adopt rules to provide for the participation as observers of representatives from inter-governmental organisations and non-governmental organisations to its meetings, as appropriate. The Commission shall also adopt rules to provide for the participation of representatives of non-Contracting Parties as observers to meetings of the Commission. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of the Commission, 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 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.
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 at his or her own initiative or 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, in accordance with the objective and principles of the Convention, 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 fishing activities in the Convention Area and their ecosystem, fishery resources status and their forecast including environmental and ecological factors affecting these fishing activities, 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 fishing activities in the Convention Area and their ecosystems;
 - (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. Each Contracting Party shall furnish to the Scientific Council any available statistical and scientific information required by it 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 Scientific 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 fishing activities 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 Scientific 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, its rules of procedure.
 13. The Scientific Council may establish such subsidiary bodies and subcommittees as it considers desirable for the exercise of its duties and functions.
 14. The Scientific Council shall adopt rules to provide for the participation as observers of representatives from inter-governmental organisations and non-governmental organisations to its meetings, as appropriate. The Scientific Council shall also adopt rules to provide for the participation of representatives of non-Contracting Parties as observers to meetings of the Scientific Council. The rules shall not be unduly

restrictive and shall provide for timely access to reports and records of the Scientific Council, subject to the procedural rules that the Scientific Council may adopt.

Article VIII - the Secretariat

1. The Secretariat shall provide services to the Commission and the Scientific Council to facilitate the exercise of their 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. The Commission may consult the Scientific Council.
4. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over managing employees and employee-related issues of the Secretariat and shall perform such other functions as the Commission prescribes.

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 amount of the annual contributions due from each Contracting Party pursuant to 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;
 - (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; and
 - (d) the annual contribution of any Contracting Party which has a population of less than 300,000 inhabitants shall be limited to a maximum of 15% of the total budget. When this contribution is so limited, the remaining part of the budget shall be divided among the other Contracting Parties in accordance with sub-paragraphs (a), (b) and (c).

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 paragraph 10 of Article VI.]

3. The Executive Secretary shall notify each Contracting Party of the contribution due from that Party as calculated pursuant to paragraph 2, and as soon as possible thereafter each Contracting Party shall pay its contribution to the Organization. .
4. Contributions shall be payable in the currency of the country in which the headquarters of the Organization 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 the Organization 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 pursuant to this Convention until it has fulfilled its obligations, unless the Commission decides otherwise.
8. The financial affairs of the Organization 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 all necessary measures in order to ensure the effectiveness and enforcement of the conservation, management and enforcement measures adopted by the Commission;
 - (d) collect and exchange scientific, technical and statistical data pertaining to the living marine resources and their ecosystems of the Convention Area, and with respect to the fishery resources in accordance with Article VII, paragraph 6 of this Convention 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 marine resources and their ecosystem; and
 - (v) information is made available in a timely manner to fulfil the requirements of the Scientific Council and the Commission;
 - (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 regularly submit 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, in relation to the conservation, management and enforcement measures they have taken for straddling stocks occurring in waters under their fisheries jurisdiction in the Convention Area.
3. Without prejudice to the jurisdiction 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 conducting fishing activities comply with the provisions of this Convention and with the conservation, management and enforcement measures adopted by the Commission.
4. Without prejudice to the jurisdiction of the flag State, 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 foreign flagged 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 comply with the provisions of this Convention and with the conservation, management and enforcement measures adopted by the Commission in accordance with Article VI 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 activities within waters under the fisheries 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 activities 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 activities in the Regulatory Area only where it is able to exercise effectively its responsibilities in respect of such vessels pursuant to 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 in the Regulatory Area, 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 infringement by a vessel flying its flag of measures adopted by the Commission.
5. In respect of an alleged infringement referred to in paragraph 4, each Contracting Party shall ensure that appropriate measures are taken without delay, including administrative or judicial proceedings, in accordance with its laws.
6. Measures taken or sanctions applied pursuant to paragraph 5 by flag States in conformity with national legislation shall be adequate in severity to be effective in securing compliance, discourage further infringements and deprive offenders of the benefits accruing from their illegal activities.

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 rights and the duties of a port State to take measures, in accordance with international law, to promote the effectiveness of conservation, management and enforcement measures.
2. Each Port State Contracting Party shall implement the measures concerning inspections in port adopted by the Commission.
3. Nothing in this Article affects the exercise by the 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 within the Commission shall be by consensus. For the purposes of this Article, “consensus” means the absence of any formal objection made at the time when 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 two-thirds 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 paragraph 4 (a) to (f) and paragraph 5 (d) and (e) 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, any other Contracting Party may similarly present an objection prior to the expiration of an additional twenty day period, or within fifteen days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional twenty day period, whichever shall be 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 presented an objection to a proposal may at any time withdraw that objection and the proposal shall then become a binding measure on such a Contracting Party.
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 pursuant 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 pursuant to paragraph 2 or has given notice of its intention not to be bound by a measure pursuant to 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 with this Convention, or that the proposal or measure unjustifiably discriminates in any form or fact against it. 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 objective of this Convention.
6. The Executive Secretary shall immediately notify each Contracting Party of:
 - (a) the receipt of each objection and withdrawal of objection pursuant to paragraphs 2 and 3;
 - (b) the date on which any proposal becomes a binding measure pursuant to the provisions of paragraph 1;
 - (c) the receipt of each notice pursuant to paragraph 4; and

- (d) each explanation and description of alternative measures received pursuant to paragraph 5.
7. In the event that any Contracting Party invokes the procedure set out in paragraphs 2, 4 and 5, it may at the same time request that an *ad hoc* panel be convened in accordance with Annex II.
 8. Should an *ad hoc* panel not be requested pursuant to paragraph 7, the Commission shall decide by simple majority, through a mail vote, whether to convene an *ad hoc* panel in accordance with Annex II.
 9. Where, pursuant to paragraph 8, the Commission decides not to convene an *ad hoc* panel, any Contracting Party may request a meeting of the Commission to review proposal or measure of the Commission and the alternative measures.
 10. Any *ad hoc* Panel established pursuant to paragraphs 7 or 8 shall review the alternative measures and the proposal or measure of the Commission and make recommendations to the Commission on:
 - (a) whether the alternative measures proposed in paragraph 5 are in accordance with the objective on this Convention and preserve the rights of all Contracting Parties, and
 - (b) whether the explanation pursuant to paragraph 5 is well founded, and whether the proposal or measure of the Commission should be modified or amended, and if so, how, or maintained or revoked.
 11. Thirty days following the procedures set out in paragraph 10, the Commission shall meet to consider the recommendations of the *ad hoc* panel.
 12. Where the procedures set out in paragraphs 7 to 11 have been concluded, any Contracting Party may invoke the dispute settlement procedures set out in Article XV.

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 explanation, declaration and alternative measures referred to in Article XIV paragraph 5 as well as any actions taken by a Contracting Party further to its application of Article XIV paragraphs 2 or 4, those Contracting Parties, hereinafter referred to as Contracting Parties to the dispute, 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 paragraph 4 (a) to (f) and paragraph 5 (d) and (e) or matters related thereto, including the explanation, declaration and alternative measures referred to in Article XIV paragraph 5 as well as any actions taken by a Contracting Party to the dispute further to its application of Article XIV paragraphs 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. This Annex forms an integral part of this Convention.
4. Where a dispute has been submitted to *ad hoc* panel procedures, the *ad hoc* panel shall at the earliest possible opportunity confer with the Contracting Parties to the dispute and shall endeavour to resolve the dispute expeditiously. The *ad hoc* panel shall present a report to the Contracting Parties to the dispute and through the Executive Secretary to the other Contracting Parties. The report shall as far as possible include any recommendations which the *ad hoc* panel considers appropriate to resolve the dispute.
5. If the Contracting Parties to the dispute accept the recommendations of the *ad hoc* panel, they shall within 14 days of receipt of the *ad hoc* 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 procedures of the Organization.

6. Where a dispute has not been resolved through agreement among the Contracting Parties to the dispute following the recommendations of the *ad hoc* panel it may be referred, on request of any one of the Contracting Parties to the dispute, to a binding dispute settlement procedure as provided in paragraph 8.
7. Where the Contracting 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 *ad hoc* panel are presented, unless the parties have settled the dispute beforehand by other means.
8. If the Contracting Parties to the dispute 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 to the dispute so requests, to binding dispute settlement procedures set out in Part XV of the 1982 Convention or Part VIII of the 1995 Agreement.
9. If binding dispute settlement procedures are invoked in accordance with this paragraph, the Contracting Parties to the dispute, unless they agree otherwise, shall apply provisionally any recommendation made by the *ad hoc* panel pursuant to paragraph 4, or, where applicable, Article XIV paragraph 10. Such provisional application of the *ad hoc* panel's recommendation shall cease when the Contracting Parties to the dispute 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.
10. Paragraph 5 shall apply *mutatis mutandis* to the provisional application of the *ad hoc* panel recommendations and to any final determination made by a court or tribunal to which the dispute was referred.
11. A court, tribunal or *ad hoc* panel to which any dispute had been submitted pursuant to this Article shall apply the relevant provisions of:
 - a) this Convention;
 - b) the 1982 Convention;
 - c) 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 objective of the Convention as set out in Article II.
12. Notwithstanding paragraphs 1 to 11, the following shall apply:
 - (a) where a Contracting 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
 - (b) where a Contracting 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 engage in fishing activities in the Regulatory Area to cooperate fully with the Organization 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 activities regulated by the Organization 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-Contracting Parties to this Convention.
3. Contracting Parties shall take measures consistent with this Convention and relevant international law to deter the fishing 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 fishing 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 products deriving from fishing activities in the Convention Area.

Article XVII - Co-operation with other organisations

1. The Organization shall cooperate, as appropriate, with the Food and Agriculture Organisation of the United Nations, with other specialised agencies of the United Nations and with other organisations on matters of mutual interests.
2. The Organization 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 these resources occur.
3. The Commission may enter into such 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 II and III of this Convention to fishery resources, the Organization shall cooperate with other relevant regional fisheries management organisations and take account of their conservation and management measures.

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 objective of this Convention as set out in Article II.

Article XIX – Good faith and abuse of rights

Contracting Parties shall fulfil in good faith the obligations assumed under the Convention and shall exercise the rights recognised in this Convention in a manner which would not constitute an abuse of right.

Article XX Relation to other Agreements

1. This Convention shall not alter the rights and obligations of Contracting Parties that arise from other Agreements compatible with this Convention and that do not affect the enjoyment by other Contracting Parties of their rights or the performance of their obligations under this Convention.
2. Nothing in this Convention shall prejudice the rights, jurisdiction and duties of Contracting Parties under the 1982 Convention or the 1995 Agreement. This Convention shall be interpreted and applied in the context of and in a manner consistent with the 1982 Convention and the 1995 Agreement.

Article XXI – Amendments to the Convention

1. Any Contracting Party may propose amendments to this Convention to be considered and acted upon by the Commission at the annual or at 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 paragraphs 1 to 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 with such action.
7. Notwithstanding paragraphs 1 to 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.

Article XXII - 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 XXIII - 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 XXIV - 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 and any amendment thereof 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 IV 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' N and 65° 00' W to a point at 61° 00' N and 59° 00' W, thence in a southeasterly direction along a rhumb line to a point at 60° 12' N and 57° 13' W; 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' N; and bounded on the west by a line beginning at 61° 00' N and 65° 00' W and extending in a northwesterly direction along a rhumb line to the coast of Baffin Island at East Bluff (61° 55' N and 66° 20' W), 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° W in the waters between those islands to 78° 10' N; and bounded on the north by the parallel of 78° 10' N.

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' N;

Division 0–B

That portion of the subarea lying to the south of the parallel of 66° 15' N.

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' N and 57° 13' W with a point at 52° 15' N and 42° 00' W.

2(b) **Subarea 1 is composed of six divisions:**

Division 1A

That portion of the subarea lying north of the parallel of 68° 50' N (Qasigiannguut);

Division 1B

That portion of the subarea lying between the parallel of 66° 15' N (approximately 5 nautical miles north of Umanarsugssuak) and the parallel of 68°50' N (Qasigiannguut);

Division 1C

That portion of the subarea lying between the parallel of 64° 15' N (approximately 4 nautical miles north of Nuuk) and the parallel of 66° 15' N (approximately 5 nautical miles north of Umanarsugssuak);

Division 1D

That portion of the subarea lying between the parallel of 62° 30' N (Paamiut Glacier) and the parallel of 64° 15' N (approximately 4 nautical miles north of Nuuk),

Division 1E

That portion of the subarea lying between the parallel of 60° 45' N (Cape Desolation) and the parallel of 62° 30' N (Paamiut Glacier);

Division 1FT

That portion of the subarea lying south of the parallel of 60° 45' N (Cape Desolation).

3(a) Subarea 2

That portion of the Convention Area lying to the east of the meridian of 64° 30' W 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' N.

3(b) Subarea 2 is composed of three divisions:

Division 2G

That portion of the subarea lying north of the parallel of 57° 40' N (Cape Mugford);

Division 2H

That portion of the subarea lying between the parallel of 55° 20' N (Hopedale) and the parallel of 57° 40' N (Cape Mugford);

Division 2J

That portion of the subarea lying south of the parallel of 55° 20' N (Hopedale).

4(a) Subarea 3

That portion of the Convention Area lying south of the parallel of 52° 15' N, and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52° 15' N; to the north of the parallel of 39° 00' N; and to the east and north of a rhumb line commencing at 39° 00' N, 50° 00' W and extending in a northwesterly direction to pass through a point at 43° 30' N, 55° 00' W in the direction of a point at 47° 50' N, 60° 00' W until it intersects a straight line connecting Cape Ray, 47° 37.0' N; 59° 18.0' W on the coast of Newfoundland, with Cape North, 47° 02.0' N; 60° 25.0' W on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray, 47° 37.0' N, 59° 18.0' W.

4(b) Subarea 3 is composed of six divisions:

Division 3K

That portion of the subarea lying north of the parallel of 49° 15' N (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' W, thence due south to the parallel of 46° 00' N, thence due west to the meridian of 54° 30' W, 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' N and east of the meridian of 46° 30' W;

Division 3N

That portion of the subarea lying south of the parallel of 46° 00' N and between the meridian of 46° 30' W and the meridian of 51° 00' W;

Division 3O

That portion of the subarea lying south of the parallel of 46° 00' N and between the meridian of 51° 00' W and the meridian of 54° 30' W;

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' N, 54° 30' W, 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' N; 57° 43.2' W Newfoundland, approximately southwest to a point at 46° 50.7' N and 58° 49.0' W;
 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' N, 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" N; 66° 54' 11.253" W; thence due south to the parallel of 43° 50' N; thence due west to the meridian of 67° 24' 27.24" W; thence along a geodetic line in a southwesterly direction to a point at 42° 53' 14" N and 67° 44' 35" W; thence along a geodetic line in a southeasterly direction to a point at 42° 31' 08" N and 67° 28' 05" W; thence along a geodetic line to a point at 42° 20' N and 67° 18' 13.15" W;

thence due east to a point in 66° 00' W; thence along a rhumb line in a southeasterly direction to a point at 42° 00' N and 65° 40' W and thence due south to the parallel of 39° 00' N.

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' N, 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' N, 60° 00' W, thence due south to a point at 47° 50' N, 60° 00' W, 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' N, 64° 40' W, thence along a rhumb line in an east-southeasterly direction to a point at 47° 50' N, 60° 00' W, thence due north to a point at 49° 25' N, 60° 00' W, 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' N, 64° 40' W, thence along a rhumb line in a southeasterly direction to a point at 47° 50' N, 60° 00' W, 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 $45^{\circ} 40' \text{ N}$, $60^{\circ} 00' \text{ W}$, thence due south along the meridian of $60^{\circ} 00' \text{ W}$ to the parallel of $44^{\circ} 10' \text{ N}$, thence due east to the meridian of $59^{\circ} 00' \text{ W}$, thence due south to the parallel of $39^{\circ} 00' \text{ N}$, thence due east to a point where the boundary between subareas 3 and 4 meets the parallel of $39^{\circ} 00' \text{ N}$, thence along the boundary between subareas 3 and 4 and a line continuing in a northwesterly direction to a point at $47^{\circ} 50' \text{ N}$, $60^{\circ} 00' \text{ W}$, 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 $45^{\circ} 40' \text{ N}$;

4Vs – Southern subdivision – That portion of division 4V lying south of the parallel of $45^{\circ} 40' \text{ N}$.

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 $45^{\circ} 40' \text{ N}$, $60^{\circ} 00' \text{ W}$, thence due south along the meridian of $60^{\circ} 00' \text{ W}$ to the parallel of $44^{\circ} 10' \text{ N}$, thence due east to the meridian of $59^{\circ} 00' \text{ W}$, thence due south to the parallel of $39^{\circ} 00' \text{ N}$, thence due west to the meridian of $63^{\circ} 20' \text{ W}$, thence due north to a point on that meridian at $44^{\circ} 20' \text{ N}$, 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 $44^{\circ} 20' \text{ N}$, $63^{\circ} 20' \text{ W}$, thence due south to the parallel of $39^{\circ} 00' \text{ N}$, and thence due west to the meridian of $65^{\circ} 40' \text{ W}$.

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 $39^{\circ} 00' \text{ N}$, and to the east of the meridian of $71^{\circ} 40' \text{ W}$.

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 $70^{\circ} 00' \text{ W}$ on Cape Cod (at approximately 42° N) and a line described as follows: beginning at a point on Cape Cod at 70° W (at approximately 42° N), thence due north to $42^{\circ} 20' \text{ N}$, thence due east to $67^{\circ} 18' 13.15'' \text{ W}$ 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 $70^{\circ} 00' \text{ W}$;

5Zw – Western subdivision – That portion of division 5Z lying west of the meridian of $70^{\circ} 00' \text{ W}$.

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 $71^{\circ} 40' \text{ W}$, thence due south to $39^{\circ} 00' \text{ N}$, thence due east to $42^{\circ} 00' \text{ W}$, thence due south to $35^{\circ} 00' \text{ N}$, thence due west to the coast of North America, thence northwards along the coast of North America to the point on Rhode Island at $71^{\circ} 40' \text{ W}$.

7(b) **Subarea 6 is composed of eight divisions:**

Division 6A

That portion of the subarea lying to the north of the parallel of $39^{\circ} 00' \text{ N}$ and to the west of subarea 5;

Division 6B

That portion of the subarea lying to the west of $70^{\circ} 00' \text{ W}$, to the south of the parallel of $39^{\circ} 00' \text{ N}$, and to the north and west of a line running westward along the parallel of $37^{\circ} 00' \text{ N}$ to $76^{\circ} 00' \text{ W}$ and thence due south to Cape Henry, Virginia;

Division 6C

That portion of the subarea lying to the west of $70^{\circ} 00' \text{ W}$ 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 $65^{\circ} 00' \text{ W}$;

Division 6E

That portion of the subarea lying to the east of division 6D and to the west of $60^{\circ} 00' \text{ W}$;

Division 6F

That portion of the subarea lying to the east of division 6E and to the west of $55^{\circ} 00' \text{ W}$;

Division 6G

That portion of the subarea lying to the east of division 6F and to the west of $50^{\circ} 00' \text{ W}$;

Division 6H

That portion of the subarea lying to the east of division 6G and to the west of $42^{\circ} 00' \text{ W}$.

Annex II to the Convention – Rules concerning the *ad hoc* panel procedure pursuant to Article XV

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 Contracting 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 *ad hoc* 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 Contracting Parties to the dispute shall notify the Executive Secretary of the constitution of the *ad hoc* 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 *ad hoc* panel shall consist of three members;
 - b) the Contracting Parties to the dispute shall each select one panellist and agree on the third panellist;
 - c) the third panellist shall chair the *ad hoc* panel;
 - d) the third panellist shall not be a national of either Contracting Party to the dispute 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, Contracting Parties to the dispute which are 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 Contracting Parties to the dispute 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 *ad hoc* panel, make written and oral submissions to the *ad hoc* panel and receive the submissions of each Party to the dispute.
6. At the request of a Contracting Party to the dispute, or on its own initiative, the *ad hoc* 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 Contracting Parties to the dispute otherwise agree, the *ad hoc* panel shall, within 90 days from the constitution of the *ad hoc* panel, make its report and recommendations referred to in Article XV paragraph 4 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 *ad hoc* panel shall aim at reaching a consensus in its conclusions. If this is not possible the *ad hoc* panel shall reach its conclusions by a majority of its members, who may not abstain from voting.
9. The *ad hoc* panel may adopt any rules of procedure, which it deems necessary to accelerate the proceedings.
10. Costs of the *ad hoc* panel shall be borne by the Contracting Parties to the dispute in equal parts.
11. In relation to the *ad hoc* panel established pursuant to Article XIV paragraphs 7 and 8, the parties shall be deemed to be the Commission and the objecting Contracting Party and the provisions of this Annex shall apply, with the exceptions of paragraphs 3 and 4 (e).

Annex 6. US Proposals
(GC Working Paper 07/4)

Article VI The Commission

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 the interest of the relevant Coastal States, and the respective contributions of Contracting Parties to the Commission and to the conservation and management of the stocks, including the provision by them of accurate data and their contribution to the conduct of scientific research in the Convention Area.~~

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 activities 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 fishing activities on these banks under an international scheme of joint enforcement.

Proposals for the allocation of fishing opportunities shall be applied in a fair and equitable manner with the goal of ensuring opportunities for all qualifying Contracting Parties.

9. The Commission, shall, when necessary, develop procedures which allow for measures, including non-discriminatory trade-related measures, to be taken, ~~consistent with the international obligations of by~~ Contracting Parties against any flag State whose fishing vessels participate in fishing activities in a manner that undermines the effectiveness of the conservation and enforcement measures adopted by the Commission. Any implementation by a Contracting Party of trade-related measures shall be consistent with its international obligations, including obligations under the WTO Agreement.

Article XV Settlement of Disputes

4. Where a dispute has been submitted *ad hoc* to panel procedures, the panel shall at the earliest possible opportunity confer with the Contracting Parties to the dispute and shall endeavour to resolve the dispute expeditiously. The panel shall present a report to the Contracting Parties to the dispute 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. The panel may modify or revise such recommendations later upon the request of any Contracting Party to the dispute provided all parties to the dispute have an opportunity to be heard.

Article XIX Amendments to the Convention

6. Any Contracting Party may propose amendments to this Convention, which includes its Annexes, to be considered and acted upon by the Commission at the annual or at 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.
8. Delete entire paragraph.

Annex 7. Options for NAFO Contribution Formula
(GC Working Paper 07/2 – presented by Canada)

NAFO Convention

Article IX – Budget

Paragraph 2

The Commission shall establish the amount of the annual contribution due from each Contracting Party pursuant to the annual budget on the following basis:

- (a) 10% of the budget shall be divided among Contracting Parties in proportion to a national wealth component based upon an equal weighting of proportional gross domestic product per capita and proportional gross domestic product (calculated on a three-year average);
- (b) 30% of the budget shall be divided equally among all 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;

where the nominal catches referred to above are reported catches specified in the financial regulations adopted by the Commission pursuant to paragraph 10 of Article VI.

Financial Regulations for the Organization

Add Rule 2.5

The list of species for the determination of nominal catches to be used in calculating the annual budget pursuant to Article IX shall be as follows:

Atlantic cod	<i>Gadus morhua</i>
Atlantic redfish	<i>Sebates spp.</i>
Silver hake	<i>Merluccius bilinearis</i>
American Plaice	<i>Hippoglossoides platessoides</i>
Witch flounder	<i>Glyptocephalus cynoglossus</i>
Yellowtail flounder	<i>Limanda ferruginea</i>
Greenland halibut	<i>Reinhardtius hippoglossoides</i>
Roundnose grenadier	<i>Coryphaenoides rupestris</i>
Capelin	<i>Mallatus villosus</i>
Short-finned squid	<i>Illex illecebrosus</i>
Shrimp	<i>Pandalus sp.</i>
White hake	<i>Urophycis tenuis</i>
Skate	<i>Amblyraja radiata</i>
Greenland cod	<i>Gadus ogac</i>
Atlantic wolffish	<i>Anarhichas lupus</i>
Spotted wolffish	<i>Anarhichas minor</i>
Roughhead grenadier	<i>Macrourus berglax</i>
Spiny dogfish	<i>Squalus acanthias</i>
Black dogfish	<i>Centroscyllium fabricii</i>

Explanatory note
Options for NAFO Contribution Formula
Presented by Canada

In response to the concerns expressed by some Contracting Parties in previous meetings of the NAFO Reform Working Group, a principled-based approach is proposed for a new contribution formula. The principles as articulated by Contracting Parties and the Scientific Council to date are:

- 1- Eliminate the “double-taxation” to Coastal States as the current formula uses the nominal catches in the Convention Area of Coastal States in two elements
- 2- Include a national wealth component to address concerns of Contracting Parties with small economies/populations
- 3- Amend the species list to include only those species that are part of NAFO’s work

The options below replace the component applied to Coastal States with an “ability to pay” component. The Western and Central Pacific Fisheries Commission (WCPFC) approach has been used to introduce a national wealth component. The national wealth component is calculated using Gross Domestic Product (GDP) and GDP per capita as the GNI (Gross National Income) data (used in the WCPFC Convention) are not available for some Contracting Parties.

The Species List is amended to reflect the species where there is value added by NAFO. The list proposed reflects all species where Scientific Council has provided formal advice to the Fisheries Commission since NAFO inception in 1979. It is proposed that this list be moved to the Financial Regulations to allow for easier modification at annual meetings.

The current list of species listed in Annex I to the Convention:

Atlantic cod
Haddock
Atlantic redfish
Silver hake
Red hake
Pollock
American plaice
Witch flounder
Yellowtail flounder
Greenland halibut
Roundnose grenadier
Atlantic herring
Atlantic mackerel
Atlantic butterflyfish
River herring (alewife)
Atlantic argentine
Capelin
Long-finned squid
Short-finned squid
Shrimp

The June 2006 Meeting of Scientific Council provided a response (NAFO SCS Doc 06/22) to the NAFO Reform Working Group. **Scientific Council proposed to add the following species to the current list:**

White hake
Thorny skate
Deepwater redfish
Acadian redfish
Greenland cod

Atlantic wolffish
 Spotted wolffish
 Lumpsucker
 Roughhead grenadier
 Spiny dogfish
 Black dogfish

Canada proposes to amend the current List of Species to reflect the species where there is a value added by NAFO. **We suggest the following species be deleted from the current list** in Annex I since Scientific Council has never provided advice to the Fisheries Commission on these species:

Haddock
 Pollock
 Atlantic herring
 Atlantic mackerel
 Atlantic butterfish
 River herring (alewife)
 Atlantic argentine
 Lumpsucker

These species are discreet species found only in the exclusive economic zones (EEZ) of Coastal States.

In the attached document, **a Contribution Formula based on the following species is suggested:**

Atlantic Cod
 Atlantic Redfish (includes Deepwater redfish and Acadian redfish)
 Silver hake
 American Plaice
 Witch Flounder
 Yellowtail Flounder
 Greenland halibut
 Roundnose grenadier
 Capelin
 Short-finned squid
 Shrimp
 White hake
 Skate
 Greenland cod
 Atlantic wolffish
 Spotted wolffish
 Roughhead grenadier
 Spiny dogfish
 Black dogfish

In **Option A**, the same proportion of components as in the current formula is maintained: 30% base fee, 10% national wealth component and 60% nominal catches.

In **Option B**, a 20% base fee, 20% national wealth component and 60% nominal catches is suggested in order to put more emphasis on the Contracting Parties' "ability to pay".

In **Option C**, a 30% base fee, 20% national wealth component and 50% nominal catches is suggested in order to put more emphasis on the Contracting Parties' "ability to pay", and less on catches.

BUDGET CALCULATION 2007	Amended List Nominal catches in the Convention Area (2004)	Percent	
Canada	304,509	44.87%	Canada
Cuba	1,114	0.16%	Cuba
DFG	181,707	26.77%	DFG
European Union	66,329	9.77%	EU
SPM	2,711	0.40%	France
Iceland	7,588	1.12%	Iceland
Japan	1,919	0.28%	Japan
Korea, Rep.	0	0.00%	Korea
Norway	13,115	1.93%	Norway
Russian Federation	21,697	3.20%	Russia
Ukraine	579	0.09%	Ukraine
United States	77,440	11.41%	USA
TOTAL	678,708	100.00%	Total

OPTION A	30%	10%	60%	Total	TOTAL current formula
Canada	\$32,409.25	\$8,492.84	\$348,977.47	\$389,879.56	\$516,795.12
Cuba	\$32,409.25	\$890.66	\$1,276.68	\$34,576.59	\$33,187.07
DFG	\$32,409.25	\$6,208.24	\$208,242.28	\$246,859.77	\$187,121.06
European Union	\$32,409.25	\$27,315.38	\$76,015.25	\$135,739.88	\$73,011.56
SPM	\$32,409.25	\$6,644.38	\$3,106.90	\$42,160.52	\$37,109.63
Iceland	\$32,409.25	\$8,714.15	\$8,696.10	\$49,819.50	\$37,931.79
Japan	\$32,409.25	\$17,437.42	\$2,199.24	\$52,045.91	\$33,731.55
Korea, Rep.	\$32,409.25	\$4,510.16	\$0.00	\$36,919.41	\$32,409.25
Norway	\$32,409.25	\$11,653.44	\$15,030.23	\$59,092.91	\$41,431.99
Russian Federation	\$32,409.25	\$2,215.61	\$24,865.49	\$59,490.35	\$45,165.53
Ukraine	\$32,409.25	\$431.68	\$663.55	\$33,504.49	\$32,798.16
United States	\$32,409.25	\$35,123.03	\$88,748.82	\$156,281.10	\$225,677.29
TOTAL				\$1,296,370.00	\$1,296,370.00

OPTION B	20%	20%	60%	Total	TOTAL current formula
Canada	\$21,606.17	\$16,985.69	\$348,977.47	\$387,569.32	\$516,795.12
Cuba	\$21,606.17	\$1,781.32	\$1,276.68	\$24,664.17	\$33,187.07
DFG	\$21,606.17	\$12,416.48	\$208,242.28	\$242,264.93	\$187,121.06
European Union	\$21,606.17	\$54,630.76	\$76,015.25	\$152,252.17	\$73,011.56
SPM	\$21,606.17	\$13,288.75	\$3,106.90	\$38,001.82	\$37,109.63
Iceland	\$21,606.17	\$17,428.30	\$8,696.10	\$47,730.57	\$37,931.79
Japan	\$21,606.17	\$34,874.84	\$2,199.24	\$58,680.25	\$33,731.55
Korea, Rep.	\$21,606.17	\$9,020.33	\$0.00	\$30,626.49	\$32,409.25
Norway	\$21,606.17	\$23,306.87	\$15,030.23	\$59,943.26	\$41,431.99
Russian Federation	\$21,606.17	\$4,431.23	\$24,865.49	\$50,902.88	\$45,165.53
Ukraine	\$21,606.17	\$863.37	\$663.55	\$23,133.09	\$32,798.16
United States	\$21,606.17	\$70,246.06	\$88,748.82	\$180,601.05	\$225,677.29
TOTAL				\$1,296,370.00	\$1,296,370.00

OPTION C	30%	20%	50%	Total	TOTAL current formula
Canada	\$32,409.25	\$16,985.69	\$290,814.56	\$340,209.49	\$516,795.12
Cuba	\$32,409.25	\$1,781.32	\$1,063.90	\$35,254.47	\$33,187.07
DFG	\$32,409.25	\$12,416.48	\$173,535.23	\$218,360.97	\$187,121.06
European Union	\$32,409.25	\$54,630.76	\$63,346.04	\$150,386.05	\$73,011.56
SPM	\$32,409.25	\$13,288.75	\$2,589.08	\$48,287.08	\$37,109.63
Iceland	\$32,409.25	\$17,428.30	\$7,246.75	\$57,084.30	\$37,931.79
Japan	\$32,409.25	\$34,874.84	\$1,832.70	\$69,116.79	\$33,731.55
Korea, Rep.	\$32,409.25	\$9,020.33	\$0.00	\$41,429.58	\$32,409.25
Norway	\$32,409.25	\$23,306.87	\$12,525.19	\$68,241.31	\$41,431.99
Russian Federation	\$32,409.25	\$4,431.23	\$20,721.24	\$57,561.71	\$45,165.53
Ukraine	\$32,409.25	\$863.37	\$552.96	\$33,825.58	\$32,798.16
United States	\$32,409.25	\$70,246.06	\$73,957.35	\$176,612.66	\$225,677.29
TOTAL				\$1,296,370.00	\$1,296,370.00

	National Wealth Component - see attachment
Canada	6.55%
Cuba	0.69%
DFG	4.79%
European Union	21.07%
SPM	5.13%
Iceland	6.72%
Japan	13.45%
Korea, Rep.	3.48%
Norway	8.99%
Russian Federation	1.71%
Ukraine	0.33%
United States	27.09%
TOTAL	100.00%

NATIONAL WEALTH COMPONENT 2007 BUDGET

COUNTRY	Population (total) Source: The World Bank: http://devdata.worldbank.org/data-query/ *				GDP per capita (current US\$) Source: The World Bank: http://devdata.worldbank.org/data-query/ *				Proportion of all average GDPs per capita	GDP (ave Pop X ave GDP p/c)	GDP as % of total	Proportion of NWC (weighted average)
	2003	2004	2005	Average 2003-2005	2003	2004	2005	Average 2003-2005				
Canada	31630000.00	31974360.00	32270510.00	31958290.00	\$27,079.53	\$30,586.01	\$34,557.62	\$30,741.05	9.60%	982,431,480,850.35	3.50%	6.55%
Cuba	11219840.00	11244990.00	11269400.00	11244743.33				\$3,900.00	1.22%	43,854,499,000.00	0.16%	0.69%
DFG				104862.00				\$30,640.55	9.57%	3,213,029,169.30	0.01%	4.79%
EU	308073100.00	309344600.00	310597200.00	309338300.00	\$26,992.05	\$30,713.06	\$31,593.86	\$29,766.32	9.29%	9,207,863,114,284.16	32.85%	21.07%
SPM				6316.00				\$32,830.00	10.25%	207,354,280.00	0.00%	5.13%
Iceland	289548.10	292096.20	295111.60	292251.97	\$35,905.12	\$41,892.98	\$50,951.67	\$42,916.59	13.40%	12,542,458,362.87	0.04%	6.72%
Japan	127573000.00	127764400.00	127956000.00	127764466.67	\$33,636.62	\$36,182.00	\$35,267.33	\$35,028.65	10.94%	4,475,416,567,619.02	15.97%	13.45%
Korea	47849230.00	48082160.00	48294140.00	48075176.67	\$12,709.67	\$14,135.69	\$16,308.90	\$14,384.75	4.49%	691,549,513,427.91	2.47%	3.48%
Norway	4577457.00	4591081.00	4618450.00	4595662.67	\$48,193.40	\$54,484.78	\$61,475.19	\$54,711.12	17.08%	251,433,858,890.87	0.90%	8.99%
Russia	144599400.00	143849600.00	143151300.00	143866766.67	\$2,984.02	\$4,104.04	\$5,335.05	\$4,141.04	1.29%	595,757,605,476.86	2.13%	1.71%
Ukraine	47812570.00	47451290.00	47110920.00	47458260.00	\$1,048.53	\$1,367.36	\$1,733.45	\$1,383.11	0.43%	65,640,113,457.89	0.23%	0.33%
USA	290810000.00	293655400.00	296496600.00	293654000.00	\$37,657.92	\$39,882.90	\$42,007.46	\$39,849.43	12.44%	11,701,944,292,145.50	41.75%	27.09%
TOTAL Countries				1,018,359,095.97				\$320,292.61	100.00%	28,031,853,886,944.60	100.00%	100.00%

GDP from World bank data				Other sources			
COUNTRY	2003	2004	2005	GDP per capita	Population	GDP	GDP p/c
Canada	8,565,256E+11	9,779,688E+11	1,115,192E+12	\$ 32,710	56795	\$ 1,857,751,745	\$ 30,641
EU	8,315,524E+12	9,500,919E+12	9,812,963E+12	\$ 28,196	48067	\$ 1,355,277,425	
Iceland	1,039,626E+10	1,223,678E+10	1,503,643E+10	\$ 3,900			
Japan	4,291,124E+12	4,622,771E+12	4,505,912E+12	\$ 32,830	6316		
Korea	6,081,477E+11	6,796,744E+11	7,876,245E+11				
Norway	2,206,032E+11	2,500,522E+11	2,839,201E+11				
Russia	4,314,87E+11	5,903,645E+11	7,637,2E+11		104862	\$ 3,213,029,169	
Ukraine	5,013,296E+10	6,488,306E+10	8,166,42E+10				
USA	1,095,13E+13	1,171,183E+13	1,245,507E+13				

* Note: data for Cuba are taken from CIA World Factbook:
<https://www.cia.gov/cia/publications/factbook/>
 SPM and DFG are taken from their national websites : <http://www.iedom.fr/index.asp>,
http://www.hagstova.to/portal/page?_pageid=33,316936&_dad=portal&_schema=PORTAL and
<http://www.statgreen.gl/english/index.html>

Annex. 8. Terms of Reference for the Technical Editing Working Group
(GC Working Paper 07/11, Revised)

1. Review the existing text by addressing the following:
 - a. Consistency check of use of terminology within the Convention text
 - b. Issues related to format (e.g. punctuation, spelling, format for numbering, cross references, etc.)
 - c. Correct use of language
2. Transform the negotiated text into a proposal to amend the NAFO Convention.

The mandate of the Technical Editing Working Group does not include making any changes to the negotiated text unless absolutely necessary from a legal drafting point of view.

The TEWG is scheduled to meeting on 22-23 May 2007, hosted by the EU in Brussels. Participants per Contracting Party are set at a maximum of two.

**Annex 9. Summary Information related to a Proposal for the Calculation of Contracting Parties
Financial Contributions as Recommended by the Intersessional General Council Meeting,
19-20 April 2007 in Montreal, Canada
(GC Working Paper 07/13)**

This Working Paper includes: (1) the proposed new text in the NAFO Convention, (2) the new proposed list of Species, and (3) as an example a calculation of Contracting Parties 2007 contributions based on the current formula in comparison to the proposed formula.

1. New proposed text regarding budget in the NAFO Convention.

Article IX -Budget

8. [The Commission shall establish the amount of the annual contributions due from each Contracting Party pursuant to 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;
- (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; and
- (d) the annual contribution of any Contracting Party which has a population of less than 300,000 inhabitants shall be limited to a maximum of 15% of the total budget. When this contribution is so limited, the remaining part of the budget shall be divided among the other Contracting Parties in accordance with sub-paragraphs (a), (b) and (c).

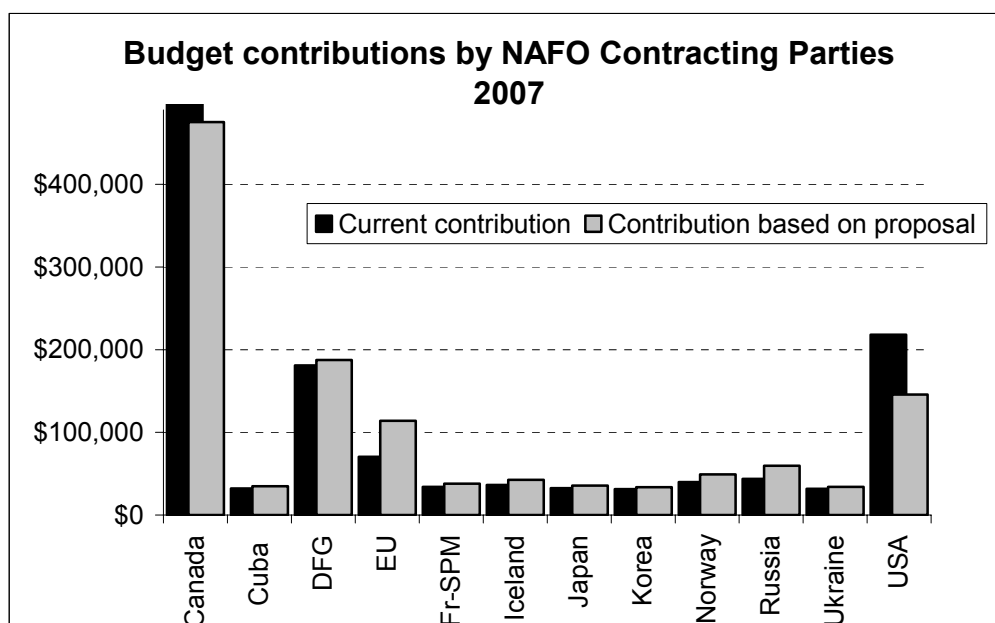
The nominal catches referred to above shall be the reported catches of the fishery resources specified in the financial regulations adopted by the Commission pursuant to paragraph 10 of Article VI.]

2. Proposed species for the calculation of budget contributions and their reported catches in 2004

NW Atlant. 2004 Catches	Canada	Cuba	DFG	EU	France SPM	Iceland	Japan	Korea	Norway	Russia	Ukraine	USA	Total
American plaice	2,698	0	0	1,117	72	0	43	0	0	237	79	1,711	5,957
Atlantic cod	24,621	0	4,882	309	2,331	0	0	0	3	98	0	7,289	39,533
Atlantic redfishes	12,861	0	3,244	14,062	17	3,917	272	0	2	12,418	7	398	47,198
Atlantic wolffish	166	0	320	444	1	0	6	0	0	8	0	119	1,064
Capelin	33,443	0	289	10	0	0	0	0	0	0	0	0	33,742
Dogfishes (spiny and black)	2,367	0	0	367	0	0	0	0	0	0	0	1,308	4,042
Greenland cod	0	0	949	0	0	0	0	0	0	0	0	0	949
Greenland halibut	18,617	0	30,437	8,361	2	0	1,416	0	1,364	3,135	0	0	63,332
Roughhead grenadier	140	0	0	1,155	0	0	3	0	8	416	0	0	1,722
Roundnose grenadier	0	0	42	2,574	0	0	123	0	0	115	0	0	2,854
Shortfin squid	2,524	0	0	15	0	0	0	0	0	1	0	24,973	27,513
Shrimp	175,792	1,114	141,856	27,116	529	3,671	0	0	11,738	795	460	1,265	364,336
Silver hake	13,387	0	0	7	0	0	0	0	0	544	0	8,572	22,510
Spotted wolffish	0	0	0	0	0	0	0	0	0	13	0	0	13
Thorny skate	1,915	0	8	8,205	87	0	55	0	0	3,594	0	18,774	32,638
White hake	3,687	0	0	1,804	22	0	0	0	0	96	0	3,525	9,134
Witch flounder	1,925	0	0	1,228	37	0	7	0	0	76	0	2,923	6,196
Yellowtail flounder	12,899	0	0	356	143	0	0	0	0	159	33	7,236	20,826
Totals	307,042	1,114	182,027	67,130	3,241	7,588	1,925	0	13,115	21,705	579	78,093	683,559

3. **Contracting Parties 2007 financial contributions based on the current formula in comparison to the proposed formula.** The contributions shown in the table slightly deviate from the ones presented during the meeting due to updated catch information.

Contracting Parties	Current contribution	Contribution based on proposal	Difference %	Difference
Canada	\$499,602	\$475,302	-4.9%	-\$24,299
Cuba	\$32,026	\$34,863	8.9%	\$2,837
DFG	\$180,843	\$187,650	3.8%	\$6,807
EU	\$70,531	\$114,035	61.7%	\$43,503
Fr-SPM	\$34,290	\$38,182	11.4%	\$3,892
Iceland	\$36,604	\$42,639	16.5%	\$6,035
Japan	\$32,551	\$35,844	10.1%	\$3,293
Korea	\$31,275	\$33,550	7.3%	\$2,275
Norway	\$39,982	\$49,271	23.2%	\$9,289
Russia	\$43,660	\$59,586	36.5%	\$15,926
Ukraine	\$31,650	\$34,209	8.1%	\$2,558
USA	\$218,061	\$145,868	-33.1%	-\$72,193
Total	\$1,251,075	\$1,251,000		



SECTION V
(pages 267 to 293)

Report of the Technical Editing Working Group (TEWG)
22-23 May 2007
Brussels, Belgium

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**Report of the Technical Editing
Working Group (TEWG)**
(GC Doc. 07/2)

**22-23 May 2007
Brussels, Belgium**

1. The Chair, Mr. Terje Lobach (Norway), opened the meeting at 9:00 am. Canada, France (in respect to St. Pierre et Miquelon), EU, Iceland, Norway, Russia, Ukraine, and USA were represented at the meeting (Annex 1).
2. The Executive Secretary was appointed as rapporteur.
3. The terms of reference for the meeting were considered (Annex 2).
4. The meeting decided to use as a basis for its discussions the revision of the Convention approved by the General Council during its intersessional meeting 19-20 April 2007 in Montreal, Quebec, Canada (GC Working Paper 07/12). Participants also agreed to defer discussions on bracketed text to the General Council. The proposal by Canada circulated on the 17 May (GFS/07-194) as well as suggestions circulated by U.S.A. before the meeting were used as a starting point for discussions on the technical editing. It was agreed that amendments to the "Montreal" text would only be made by consensus.
5. The meeting accepted to replace the term "proposal" by the term "measure" consistently throughout the text.
6. With regard to description of measures adopted by the Commission, the meeting decided to refer to "conservation and management measures".
7. Participants agreed to consistently change the term "living marine resources" to "living resources".
8. The meeting decided to differentiate between "measures" and "actions", referring to "measures" as those adopted by the Commission and to "actions" as those implemented by individual Contracting Parties.
9. The Ukraine proposed to insert relevant text from referenced articles of other international instruments into the NAFO Convention to allow it to be a stand-alone document. As this was deemed to be a substantive matter, the meeting could not consider it. Ukraine considers to submit its proposal to the next Annual Meeting in September 2007.
10. The reference to the FAO Compliance Agreement in the preamble (paragraph 2) was questioned as inappropriate because not all NAFO Contracting Parties are signatories to this Agreement. However, many felt that this was a substantive matter and the reference was thus maintained.
11. Regarding the definition of "fishery resources" (Article I.f), Russia pointed out that by restricting exploitable resources to "fish, molluscs and crustaceans" only, other resources that are currently insignificant but that could be targeted in the future, such as jellyfish and sea cucumbers, are not included in the mandate of NAFO. This would unnecessarily limit the Organization with regard to future opportunities for utilization. Because this is a substantive matter, Russia indicated that it will prepare a proposal to amend the definition for the next Annual Meeting.
12. Regarding "fishing vessel" (Article I.h), it was suggested to replace the term "vessel" in the definition by the term "platform" to ensure that other vehicles (e.g. helicopters) are included. This did not find the approval of all and was therefore dropped at this meeting but could be raised at the Annual Meeting.
13. Participants agreed to some changes in Articles II and III.
14. With regard to Article IV, the meeting approved to delete the last sentence in paragraph 2 and instead insert a new Article XVIII bis that provides for all Annexes becoming an integral part of the Convention. Furthermore,

France (with respect to St. Pierre et Miquelon) announced that it will agree to a deletion of paragraph 3 and that this item thus no longer needs to remain bracketed.

15. The meeting consented to minor changes in Article V.
16. Regarding Article VI, participants largely followed the proposal by Canada to re-organize the sequence of paragraphs including extensive re-wording suggestions. However, because it was regarded as a substantive issue, the meeting could not concur with the Canadian proposal of introducing a paragraph 7bis, which would ensure that regulations by the Commission with regard to participation in fishing, the conduct of fishing for scientific purposes, and the collection, submission, verification, access to and use of data can only apply to the Regulatory Area. Taking note of reservations expressed by Canada, France (in respect of St. Pierre et Miquelon) and U.S.A., the meeting decided that until further discussion by General Council, these areas of application should remain under the previous paragraph that states that Commission regulations apply “in relation to the Regulatory Area, or, where agreed by consensus, in relation to the Convention Area”.
17. Article VII was re-organized and made consistent with the re-drafting of previous text.
18. The meeting agreed to minor changes in Articles VIII through XI.
19. Many participants felt that the Article XII on Port State Measures lacked substance but that it was beyond the mandate of this group to suggest any changes. Therefore, even though it was viewed as being redundant from a technical standpoint, the paragraph 2 in this Article was maintained.
20. Articles XIV and XV both contain references to Article VI, paragraph 7. Where such references occur, Canada has voiced its reservation.
21. Participants also discussed the necessity of referencing “tribunals” in addition to “courts” in the description of dispute settlement procedures in Article XV.
22. The meeting lacked the time to review the annexes to the Convention. It was agreed to circulate the Annexes to participants for their comments including the editorial proposal by Canada on Annex 2 (Rules of Procedure for *ad hoc* Panel Proceedings).
23. The meeting concurred that the report together with the edited version of GC Working Paper 07/12 (Annex 3) should be circulated as soon as possible to participants and to have at least two short periods of comments with the option to allow for an additional meeting of the TEWG if deemed necessary before adoption of the edited Working Paper. This process has to be finalized before the 25 June 2007, i.e. the deadline for submission of a formal proposal to amend the NAFO Convention.
24. The EU proposed a format for the preparation of a formal proposal to amend the NAFO Convention and provided a template. As time did not allow the meeting to discuss the paper, this template was finalized after the meeting based on written comments by participants (Annex 4).
25. The meeting was adjourned at 6:00 pm on 23 May 2007.
26. During the round of comments after the meeting a number of editorial drafting suggestions were made that could not be incorporated into the edited version of GC WP07/12 (*June 20*). Also, it was not possible to discuss an editorial revision of Annex 2 of the amended Convention. The most prominent suggestions were:

1. Proposal by Canada (*affects a number of Article throughout the text*):

- *A measure adopted by the Commission but not yet in force “measure adopted by the Commission”*
- *A measure in force (except for an objecting CP) “measure of the Commission”*

2. Proposal by Canada to revise text of Annex 2.

Iceland endorsed Canadian drafting suggestions whereas other participants preferred to postpone the discussions or rejected the suggestions *in toto*. Canada proposes that TEWG participants discuss editorial changes to Annex 2 by over the next weeks via email and perhaps during a phone conference.

Some participants expressed their interest in continuing discussions on editorial changes to the current text for an amended Convention. To facilitate such discussions, the Secretariat prepared a TEWG Discussion Paper that incorporates editorial suggestions from participants that were not included in Revision 4 as well as the Canadian proposal for a wording of Annex 2.

Annex 1. List of Participants

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Annex 2. Terms of Reference for the Technical Editing Working Group
(GC W.P. 07/11, Revised)

1. Review the existing text by addressing the following:
 - a. Consistency check of use of terminology within the Convention text
 - b. Issues related to format (e.g. punctuation, spelling, format for numbering, cross references, etc.)
 - c. Correct use of language
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Annex 3. Edited version of GC WP 07/12 (Convention Text)
(Revised 20 June 2007)

Convention on Cooperation in the Northwest Atlantic Fisheries

(items with square-bracketed text indicated by arrow in left margin)

The CONTRACTING PARTIES,

NOTING that the coastal States of the Northwest Atlantic have established exclusive economic zones consistent with the United Nations Convention on the Law of the Sea of 10 December 1982 and customary international law, within which they exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing living resources;

RECALLING 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 of 4 August 1995, and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993;

TAKING INTO ACCOUNT the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organization of the United Nations on 31 October 1995 and related instruments adopted by the Food and Agriculture Organization of the United Nations;

RECOGNIZING 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;

CONSCIOUS of the need for international cooperation and consultation with respect to those fishery resources;

MINDFUL that effective conservation and management of these fishery resources should be based on the best available scientific advice and the precautionary approach;

COMMITTED to apply an ecosystem approach to fisheries management in the Northwest Atlantic that includes safeguarding the marine environment, conserving its marine biodiversity, minimizing the risk of long term or irreversible adverse effects of fishing activities, and taking account of the relationship between all components of the ecosystem;

FURTHER COMMITTED to conduct responsible fishing activities and to prevent, deter and eliminate IUU fishing;

HAVE AGREED as follows:

Article I – Use of Terms

For the purpose of this Convention:

- (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 of 4 August 1995;
- (c) "coastal State" means a Contracting Party having an exclusive economic zone within the Convention Area;
- (d) "Contracting Party" means:

- (i) any State or regional economic integration organization which has consented to be bound by this Convention, and for which the Convention is in force; and

➡ [(ii) This Convention applies *mutatis mutandis* to any entity referred to in the Article 305, paragraph 1 c), d) and e) of the 1982 Convention, which becomes a Party to this Convention, and to that extent "Contracting Party" refers to such entities.]

- (e) "Convention Area", means the area to which this Convention applies, as described in Article IV paragraph 1;

- (f) "fishery resources" means all fish, molluscs and crustaceans within the Convention Area excluding:

- (i) sedentary species over which coastal States may exercise sovereign rights consistent with Article 77 of the 1982 Convention; and
 - (ii) in so far as they are managed under other international treaties, anadromous and catadromous stocks and highly migratory species listed in Annex I of the 1982 Convention;

- (g) "fishing activities" means harvesting or processing fishery resources, or transshipping of fishery resources or products derived from fishery resources, or any other activity in preparation for, in support of, or related to the harvesting of fishery resources, including:

- (i) the actual or attempted searching for, catching or taking of fishery resources;
 - (ii) any activity that can reasonably be expected to result in locating, catching, taking, or harvesting of fishery resources for any purpose; and
 - (iii) any operation at sea in support of, or in preparation for, any activity described in this definition;

but does not include any operation related to emergencies involving the health and safety of crew members or the safety of a vessel;

- (h) "fishing vessel" means any vessel that is or has been engaged in fishing activities, and includes fish processing vessels and vessels engaged in transshipment or any other activity in preparation for or related to fishing activities, or in experimental or exploratory fishing activities;

- (i) "flag State" means:

- (i) a State whose vessels are entitled to fly its flag; or
 - (ii) a regional economic integration organization in which vessels are entitled to fly the flag of a member State of that regional economic integration organization [; or]

➡ [(iii) an entity referred to in Article 305 paragraph 1 c), d) or e) of the 1982 Convention whose vessels are entitled to fly its flag;]

- (j) “IUU fishing” refers to the activities described in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing adopted by the Food and Agriculture Organization of the United Nations on 2 March 2001;
- (k) “living resources” means all living components of marine ecosystems;
- (l) “marine biological diversity” means the variability among living marine organisms and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (m) “nationals” includes both natural and legal persons;
- (n) “port State” means any State receiving fishing vessels in its ports, offshore terminals or other installations for, *inter alia*, landing, transshipping, refuelling or re-supplying;
- (o) “regional economic integration organization” means a regional economic integration organization 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; and
- (p) “Regulatory Area” means that part of the Convention Area beyond areas under national jurisdiction.

Article II – Objective

The objective of this Convention is to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources are found.

Article III – General Principles

In giving effect to the objective of this Convention, Contracting Parties individually or collectively, as appropriate, shall:

- (a) promote the optimum utilization and long-term sustainability of fishery resources;
- (b) adopt measures based on the best scientific advice available to ensure that fishery resources are maintained at or restored to levels capable of producing maximum sustainable yield;
- (c) apply the precautionary approach in accordance with Article 6 of the 1995 Agreement;
- (d) take due account of the impact of fishing activities on other species and marine ecosystems and in doing so, adopt measures to minimize harmful impact on living resources and marine ecosystems;
- (e) take due account of the need to preserve marine biological diversity;
- (f) prevent or eliminate overfishing and excess fishing capacity, and ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fishery resources;
- (g) ensure that complete and accurate data concerning fishing activities within the Convention Area are collected and shared among them in a timely manner;
- (h) ensure effective compliance with management measures and that sanctions for any infringements are adequate in severity; and

- (i) take due account of the need to minimize pollution and waste originating from fishing vessels as well as minimize 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

1. This Convention applies to the waters of the Northwest Atlantic Ocean north of 35°00' N and west of a line extending due north from 35°00' N and 42°00' W to 59°00' N, thence due west to 44°00' W, 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' N.
2. The Convention Area shall be divided into scientific and statistical subareas, divisions and subdivisions, the boundaries of which shall be as defined in Annex I to this Convention.

Article V – The Organization

1. Contracting Parties hereby agree to establish, maintain and strengthen the Northwest Atlantic Fisheries Organization, hereinafter “the Organization” that shall carry out the functions set out in this Convention in order to achieve the objective of this Convention.
2. The Organization shall consist of:
 - (a) a Commission;
 - (b) a Scientific Council; and
 - (c) a Secretariat.
3. The Organization shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve its objective. The privileges and immunities which the Organization and its officers shall enjoy in the territory of a Contracting Party shall be subject to agreement between the Organization and the Contracting Party including, in particular, a headquarters agreement between the Organization and the host Contracting Party.
4. The Chairperson of the Commission shall serve as the President and principal representative of the Organization.
5. The President shall convene the annual meeting of the Organization at such time and place as the Commission may determine.
6. The headquarters of the Organization shall be in the Halifax Regional Municipality, 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 for a term of two years. Each shall be eligible for re-election but shall not serve for more than four years in succession in the same capacity. The Chairperson and Vice-Chairperson shall not be representatives of the same Contracting Party.
3. Any Contracting Party may request a special meeting of the Commission. The Chairperson of the Commission shall thereupon convene such meeting at such time and place as the Chairperson may determine.
4. The Commission shall:
 - (a) adopt and may amend the rules for the conduct of its meetings and for the exercise of its functions, including rules of procedure, financial regulations and other regulations;
 - (b) establish such subsidiary bodies as it considers desirable for the exercise of its functions and direct their activities;
 - (c) supervise the organizational, administrative, financial and other internal affairs of the Organization, including relations among its constituent bodies;
 - (d) appoint an Executive Secretary on such terms and conditions as it may determine;
 - (e) direct the external relations of the Organization;
 - (f) approve the budget of the Organization;
 - (g) adopt rules to provide for the participation of representatives of inter-governmental organizations, non-Contracting Parties and non-governmental organizations as observers at its meetings, as appropriate. Such rules shall not be unduly restrictive and shall provide for timely access to reports and records of the Commission;
 - (h) exercise such other functions and carry out such other activities consistent with this Convention as it may decide;
 - (i) guide the Scientific Council in identifying tasks and priorities for its work; and
 - (j) develop appropriate procedures in accordance with international law to assess the performance by Contracting Parties of their obligations pursuant to Articles X and XI.
5. The Commission shall, in collaboration with the Scientific Council:
 - (a) regularly review the status of fish stocks and identify actions required for their conservation and management;
 - (b) collect, analyze and disseminate relevant information;
 - (c) assess the impact of fishing activities and other human activities on living resources and their ecosystems;

- (d) develop guidelines for the conduct of fishing activities for scientific purposes; and
 - (e) develop guidelines for the collection, submission, verification, access to and use of data.
6. 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 activities on living resources, and the safeguarding of the ecosystem in which these resources are found.
7. In applying the principles set out in Article III, the Commission shall, in relation to the Regulatory Area or, where agreed by consensus, in relation to the Convention Area, adopt:
- (a) conservation and management measures to achieve the objective of this Convention;
 - (b) conservation and management measures to minimize the impact of fishing activities on living resources and their ecosystems;
 - (c) total allowable catches and/or levels of fishing effort and determine the nature and extent of participation in fishing;
 - (d) measures for the conduct of fishing for scientific purposes as referred to in subparagraph 5(d);
 - (e) measures for the collection, submission, verification, access to and use of data as referred to in subparagraph 5(e), and
 - (f) measures to ensure adequate flag State performance.
8. The Commission shall adopt measures for appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement of the conservation and management measures adopted by the Commission including:
- (a) reciprocal rights of boarding and inspection by Contracting Parties within the Regulatory Area and flag State prosecution and sanctions on the basis of evidence resulting from such boardings and inspections;
 - (b) inspection of fishing vessels by Contracting Parties in ports where fishery resources or products derived from fishery resources originating in the Regulatory Area, or, where agreed by consensus, in the Convention Area are landed;
 - (c) follow-up actions as provided for in Articles X, XI or XII on the basis of evidence resulting from such inspections; and
 - (d) preventing, deterring and eliminating IUU fishing.
9. (a) In exercising its functions pursuant to paragraph 7, the Commission shall seek to ensure consistency between:
- (i) any measure that applies to a stock or group of stocks found both within the Regulatory Area and within an area under national jurisdiction of a coastal State, or any measure that would have an effect through species interrelationships on a stock or group of stocks found in whole or in part within an area under national jurisdiction of a coastal State; and
 - (ii) any actions taken by a 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 national jurisdiction.

(b) The Commission and the appropriate coastal State shall accordingly promote the coordination of their respective measures and actions. Each coastal State shall keep the Commission informed of its actions for the purpose of this Article.

10. Measures 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 the interests of the relevant coastal States. 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 activities 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 fishing activities on these banks under an international scheme of joint enforcement.
11. The Commission, may develop procedures that allow for actions, including non-discriminatory trade-related measures, to be taken by Contracting Parties against any flag State or fishing entity whose fishing vessels engage in fishing activities that undermine the effectiveness of the conservation and management measures adopted by the Commission. Implementation by a Contracting Party of trade-related measures shall be consistent with its international obligations.

Article VII – The Scientific Council

1. Each Contracting Party shall be a member of the Scientific Council and may appoint 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 for a term of two years. Each shall be eligible for re-election but shall not serve for more than four years in succession in the same capacity.
3. Any special meeting of the Scientific Council may be called by the Chairperson at his or her own initiative, upon the request of a coastal State, or upon the request of a Contracting Party with the concurrence of another Contracting Party at such time and place as the Chairperson may determine.
4. The Scientific Council shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its functions, including rules of procedure.
5. The Scientific Council may establish such subsidiary bodies as it may consider necessary for the exercise of its functions.
6. Election of officers, adoption or amendment of rules or other matters pertaining to the organization of work shall be by a majority of the votes of all Contracting Parties present and casting affirmative or negative votes. Each Contracting Party shall have one vote. No vote shall be taken in the absence of a quorum of at least two-thirds of the Contracting Parties.
7. The Scientific Council shall adopt rules to provide for the participation of representatives of inter-governmental organizations, non Contracting Parties and non-governmental organizations as observers to its meetings, as appropriate. Such rules shall not be unduly restrictive and shall provide for timely access to reports and records of the Scientific Council.
8. The Scientific Council shall consistent with the objective and principles of the Convention:
 - (a) provide a forum for consultation and cooperation among the Contracting Parties to study and exchange scientific information and views on fishing activities and the ecosystems in which they occur, and to study and appraise the current and future status of fishery resources including environmental and ecological factors affecting them;

- (b) promote cooperation in scientific research among Contracting Parties to fill gaps in scientific knowledge;
 - (c) compile and maintain statistics and records;
 - (d) publish or disseminate reports, information and materials pertaining to the fishing activities in the Convention Area and their ecosystems; and
 - (e) provide scientific advice to the Commission as required by the Commission.
9. The Scientific Council may:
- (a) on its own initiative provide such advice as may assist the Commission in the exercise of its functions;
 - (b) cooperate with any public or private organization sharing similar objectives; and
 - (c) request Contracting Parties to provide such statistical or scientific information as it may require for the exercise of its functions.
10. The Scientific Council shall provide scientific advice in response to any question referred to it by:
- (a) the Commission pertaining to the scientific basis for the conservation and management of fishery resources and their ecosystems within the Regulatory Area, taking into account the terms of reference specified by the Commission in respect of that question; or
 - (b) a coastal State pertaining to the scientific basis for the conservation and management of fishery resources and their ecosystems within areas under the jurisdiction of that coastal State in the Convention Area.
11. The coastal State shall, in consultation with the Scientific Council, specify terms of reference for the consideration of any question it may refer to the Scientific Council. Such terms of reference shall include, *inter alia*:
- (a) description of the fishing activities and area to be considered;
 - (b) where scientific estimates or predictions are sought, description of any relevant factors or assumptions to be taken into account; and
 - (c) where applicable, 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.
12. As a general rule, the Scientific Council shall provide its advice by consensus. Where consensus cannot be achieved, the Scientific Council shall set out in its report all views of its members.
13. All reports provided by the Scientific Council shall be published by the Secretariat.

Article VIII –The Secretariat

- 1. The Secretariat shall provide services to the Commission, the Scientific Council and their subsidiary bodies to facilitate the exercise of their functions.
- 2. The chief administrative officer of the Secretariat shall be the Executive Secretary.

3. The employees of the Secretariat shall be appointed by the Executive Secretary in accordance with such rules and procedures as the Commission may adopt in consultation with the Scientific Council, as appropriate.
4. Subject to the general supervision of the Commission, the Executive Secretary shall have full authority over managing employees and employee-related issues of the Secretariat and shall perform such other duties and functions as the Commission may prescribe.

Article IX – Budget

1. Each Contracting Party shall pay the expenses of its own delegation to any meetings held pursuant to this Convention.
2. [The Commission shall establish the amount of the annual contributions due from each Contracting Party pursuant to 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;
 - (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; and
 - (d) the annual contribution of any Contracting Party which has a population of less than 300,000 inhabitants shall be limited to a maximum of 15% of the total budget. When this contribution is so limited, the remaining part of the budget shall be divided among the other Contracting Parties in accordance with sub-paragraphs (a), (b) and (c).

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 paragraph 10 of Article VI.]

3. The Executive Secretary shall notify each Contracting Party of the amount of its contribution due as calculated pursuant to paragraph 2, and as soon as possible thereafter, each Contracting Party shall pay its contribution to the Organization.
4. Contributions shall be payable in the currency of the country in which the headquarters of the Organization is located.
5. No later than sixty days before the annual meeting, the Executive Secretary shall submit the draft annual budget to each Contracting Party together with the schedule of contributions.
6. A Contracting Party acceding to this Convention shall contribute in respect of the year it accedes an amount proportional to the number of complete months remaining in the year calculated from the day of its accession.
7. Unless the Commission decides otherwise, a Contracting Party that has not fully paid its contributions for two consecutive years shall have its right of casting votes and presenting objections suspended until such time as it has discharged its financial obligations to the Organization.
8. The financial affairs of the Organization shall be audited annually by external auditors to be selected by the Commission.

Article X – Contracting Party Duties

1. Each Contracting Party shall:
 - (a) implement this Convention and any conservation and management measures or other obligations binding on it and regularly submit to the Commission a description of the steps it has taken to implement and comply with such measures or obligations including outcomes of proceedings referred to in Article XI, subparagraph 2 (e);
 - (b) co-operate in furthering the objective of this Convention;
 - (c) take all necessary actions to ensure the effectiveness of and to enforce the conservation and management measures adopted by the Commission;
 - (d) collect and exchange scientific, technical, and statistical data and knowledge pertaining to living resources and their ecosystems in the Convention Area including complete and detailed information on commercial catches and fishing effort and take appropriate actions to verify the accuracy of such data;
 - (e) perform biological sampling on commercial catches;
 - (f) make such information as may be required by the Commission or Scientific Council available in a timely manner;
 - (g) without prejudice to the jurisdiction of the flag State, to the greatest extent possible, take actions or cooperate with other Contracting Parties, to ensure that its nationals and fishing vessels owned or operated by its nationals conducting fishing activities comply with the provisions of this Convention and with the conservation and management measures adopted by the Commission; and
 - (h) without prejudice to the jurisdiction of the flag State, to the greatest extent possible, when provided with the relevant information, investigate immediately and fully and report promptly on actions it has taken in response to any alleged serious infringement by its nationals, or foreign flagged fishing vessels owned or operated by its nationals, of this Convention or any conservation and management measure adopted by the Commission.
2. Each coastal State Contracting Party shall regularly submit to the Commission a description of the actions, including enforcement actions, it has taken for the conservation and management of straddling stocks found in waters under its jurisdiction within the Convention Area.

Article XI – Flag State Duties

1. Each Contracting Party shall ensure that fishing vessels entitled to fly its flag:
 - (a) comply with the provisions of this Convention and with the conservation and management measures adopted by the Commission and that such vessels do not engage in any activity that undermines the effectiveness of such measures;
 - (b) do not conduct unauthorized fishing activities within areas under national jurisdiction in the Convention Area; and
 - (c) do not engage in fishing activities in the Regulatory Area unless they have been authorized to do so by that Contracting Party.
2. Each Contracting Party shall:

- (a) refrain from authorizing fishing vessels entitled to fly its flag to engage in fishing activities in the Regulatory Area unless it is able to exercise effectively its responsibilities in respect of such vessels pursuant to this Convention and consistent with international law;
 - (b) maintain a record of fishing vessels entitled to fly its flag it has authorized to fish for fishery resources in the Regulatory Area and ensure that such information as may be specified by the Commission is recorded therein;
 - (c) exchange the information contained in the record referred to in subparagraph (b) in accordance with such procedures as may be specified by the Commission;
 - (d) in accordance with procedures adopted by the Commission, investigate immediately and fully and report promptly on actions it has taken in response to an alleged infringement by a vessel entitled to fly its flag of measures adopted by the Commission; and
 - (e) in respect of an alleged infringement referred to in subparagraph (d) ensure that appropriate enforcement actions are taken without delay and that administrative or judicial proceedings are initiated in accordance with its laws.
3. Enforcement actions taken or sanctions applied pursuant to subparagraph 2 (e) shall be adequate in severity to be effective in securing compliance, discouraging further infringements and depriving offenders of the benefits accruing from their illegal activities.


Article XII – Port State Duties

- 1. Actions taken by a port State Contracting Party pursuant to this Convention shall take full account of its rights and duties under international law to promote the effectiveness of conservation and management measures adopted by the Commission.
- 2. Each port State Contracting Party shall implement the measures concerning inspections in port adopted by the Commission.
- 3. Nothing in this Article shall affect the sovereignty of a Contracting Party over ports in its territory.

Article XIII – Decision making of the Commission

- 1. As a general rule, decision-making within 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 consensus have been exhausted, decisions of the Commission shall, except where otherwise provided, be taken by two-thirds 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.


Article XIV – Implementation of Commission Decisions

- 1.  Each measure adopted by the Commission pursuant to [Article VI, paragraphs 7 and 8] shall become binding on each Contracting Party in the following manner:
 - (a) the Executive Secretary shall within five working days of adoption transmit the measure to each Contracting Party specifying the date of transmittal for the purposes of paragraph 2; and

- (b) subject to paragraph 2, unless otherwise specified in the measure, it shall become binding on each Contracting Party sixty days following the date of transmittal.
2. Where any Contracting Party presents an objection to a measure by delivering it to the Executive Secretary within sixty days of the date of transmittal specified pursuant to subparagraph 1(a), any other Contracting Party may similarly present an objection prior to the expiration of an additional twenty day period, or within fifteen days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional twenty day period, whichever shall be later. The measure shall then become binding on each Contracting Party, except any that has presented an objection. If, however, at the end of such extended period or periods, objections have been presented and maintained by a majority of Contracting Parties, the measure shall not become binding, 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 that has presented an objection may withdraw it at any time and the measure shall then become binding on it.
 4.
 - (a) Any time after the expiration of one year from the date on which a measure enters into force, any Contracting Party may notify the Executive Secretary of its intention not to be bound by the measure and, if that notification is not withdrawn, the measure shall cease to be binding on it at the end of one year from the date of receipt of such notification by the Executive Secretary.
 - (b) Any time after a measure has ceased to be binding on a Contracting Party pursuant to subparagraph (a), the measure shall cease to be binding on any other Contracting Party on the date the Executive Secretary receives notification of its intention not to be bound.
 5. Any Contracting Party that has presented an objection to a measure pursuant to paragraph 2 or given notification of its intention not to be bound by a measure pursuant to paragraph 4 shall at the same time provide an explanation for its reasons for taking this action. This explanation shall specify whether it considers that the measure is inconsistent with the provisions of this Convention, or that the measure unjustifiably discriminates in form or fact against it. The explanation shall also include a declaration of the actions it intends to take following the objection or -notification, including a description of the alternative measures it intends to take or has taken for conservation and management of the relevant fishery resources consistent with the objective of this Convention.
 6. The Executive Secretary shall immediately notify each Contracting Party of:
 - (a) the receipt or withdrawal of any objection pursuant to paragraph 2 or 3;
 - (b) the date on which any measure becomes binding pursuant to paragraph 1;
 - (c) the receipt of any notification pursuant to paragraph 4; and
 - (d) each explanation and description of alternative measures received pursuant to paragraph 5.
 7. Any Contracting Party that invokes the procedure set out in paragraphs 2, 4 or 5, may at the same time submit the matter to *ad hoc* panel proceedings. Annex II shall apply *mutatis mutandis*.
 8. Where a Contracting Party does not submit the matter to *ad hoc* panel proceedings pursuant to paragraph 7, the Commission shall decide by simple majority mail vote, whether to submit that Contracting Party's explanation made pursuant to paragraph 5 to such proceedings. Where the Commission decides to submit the matter to such proceedings, Annex II shall apply *mutatis mutandis*.
 9. Where, pursuant to paragraph 8, the Commission decides not to submit the matter to *ad hoc* panel proceedings, any Contracting Party may request a meeting of the Commission to review the measure adopted by the Commission and the explanation made pursuant to paragraph 5.

10. An *ad hoc* panel constituted pursuant to paragraph 7 or 8 shall review the explanation made pursuant to paragraph 5 and the measure to which it relates and make recommendations to the Commission on:
 - (a) whether the explanation provided by the Contracting Party pursuant to paragraph 5 is well founded, and if so, whether the measure should accordingly be modified or rescinded, or where it finds that the explanation is not well founded, whether the measure should be maintained; and
 - (b) whether the alternative measures set out in the explanation made by the Contracting Party pursuant paragraph 5 are consistent with the objective of this Convention and preserve the respective rights of all Contracting Parties.
11. No later than thirty days following the termination of the *ad hoc* panel proceedings pursuant to this Article, the Commission shall meet to consider the recommendations of the *ad hoc* panel.
12. Where the procedures set out in paragraphs 7 to 11 have been concluded, any Contracting Party may invoke the dispute settlement procedures set out in Article XV.

Article XV – Settlement of Disputes

1. Contracting Parties shall co-operate in order to prevent disputes.
2. Where a dispute arises between two or more Contracting Parties concerning the interpretation or application of this Convention, including the explanation referred to in Article XIV, paragraph 5, any actions taken by a Contracting Party following an objection presented pursuant to Article XIV, paragraph 2, or any notification made pursuant of Article XIV, paragraph 4, those Contracting Parties, hereinafter referred to as “Contracting Parties to the dispute”, shall seek to resolve their dispute by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, *ad hoc* panel proceedings or other peaceful means of their choice.
3.  Where a dispute concerns the interpretation or application of a measure adopted by the Commission pursuant to [Article VI, paragraph 7 and 8], or matters related thereto, including the explanation referred to in Article XIV, paragraph 5, any actions taken by a Contracting Party to the dispute following an objection presented pursuant to Article XIV, paragraph 2, or notification made pursuant to Article XIV, paragraph 4, the Contracting Parties to the dispute may submit the dispute to non binding *ad hoc* panel proceedings pursuant to Annex II.
4. Where a dispute has been submitted to *ad hoc* panel proceedings, the *ad hoc* panel shall at the earliest opportunity confer with the Contracting Parties to the dispute with a view to resolving the dispute expeditiously. The *ad hoc* panel shall present a report to the Contracting Parties to the dispute and through the Executive Secretary to the other Contracting Parties. The report shall include any recommendations that the *ad hoc* panel considers appropriate to resolve the dispute.
5. Where the Contracting Parties to the dispute accept the recommendations of the *ad hoc* panel, they shall within fourteen days of receipt of the report of the *ad hoc* panel notify all other Contracting Parties, through the Executive Secretary, of the actions they intend to take with a view to implementing the recommendations. Thereupon, the recommendations of the *ad hoc* panel may be referred for consideration by the Commission in accordance with its appropriate procedures.
6. Where no settlement has been reached following the recommendations of the *ad hoc* panel, any of the Contracting Parties to the dispute may submit the dispute to compulsory proceedings entailing binding decisions pursuant to Section 2 of Part XV of the 1982 Convention or Part VIII of the 1995 Agreement.
7. Where the Contracting Parties to a dispute have agreed to submit the dispute to *ad hoc* panel proceedings, they may at the same time agree to apply provisionally the relevant measure adopted by the Commission until the report of the *ad hoc* panel is presented unless they have settled the dispute by other means.

8. Where the Contracting Parties to a dispute are unable to agree on any peaceful means referred to in paragraph 2 to resolve their dispute or are unable to otherwise reach a settlement, the dispute shall at the request of one of them, be submitted to compulsory proceedings entailing a binding decision pursuant to Part XV, Section 2, of the 1982 Convention or Part VIII of the 1995 Agreement.
9. Where recourse is made to compulsory proceedings entailing binding decisions, the Contracting Parties to the dispute shall, unless they agree otherwise, provisionally apply any recommendation made by the *ad hoc* panel pursuant to paragraph 4 or, where applicable, pursuant to Article XIV, paragraph 10. They shall continue to apply such provisional measures or any arrangements of equivalent effect agreed between them until a court or tribunal having jurisdiction over the dispute prescribes provisional measures or renders a decision, or, until the expiration of the measure in question.
10. The notification provisions of paragraph 5 shall apply *mutatis mutandis* with respect to provisional measures applied pursuant to paragraph 7 or prescribed pursuant to paragraph 9 or to any decision of a court or tribunal to which the dispute has been submitted.
11. A court, tribunal or *ad hoc* panel to which a dispute has been submitted pursuant to this Article shall apply the relevant provisions of this Convention, the 1982 Convention, the 1995 Agreement, generally accepted standards for the conservation and management of living resources and other rules of international law not incompatible with this Convention with a view to attaining the objective of this Convention.
12. Nothing in this Convention shall be argued or construed to prevent a Contracting Party to a dispute, as State Party to the 1982 Convention, from submitting the dispute to compulsory procedures entailing binding decisions against another State Party pursuant to Section 2 of Part XV of the 1982 Convention, or as State Party to the 1995 Agreement from submitting the dispute to compulsory procedures entailing binding decisions against another State Party pursuant to Article 30 of the 1995 Agreement.

Article XVI - Co-operation with non-Contracting Parties

1. Where a vessel entitled to fly the flag of a non-Contracting Party engages in fishing activities in the Regulatory Area, the Commission shall request the flag State to cooperate fully with the Organization either by becoming a Contracting Party or by agreeing to apply the conservation and management measures adopted by the Commission.
2. Contracting Parties shall:
 - (a) exchange information on fishing activities in the Regulatory Area by vessels entitled to fly the flag of any non-Contracting Party and on any action they have taken in response to such fishing activities;
 - (b) take measures consistent with this Convention and international law to deter fishing activities of vessels entitled to fly the flag of any non-Contracting Party that undermine the effectiveness of the conservation and management measures adopted by the Commission;
 - (c) advise any non-Contracting Party to this Convention of any fishing activity by its nationals or vessels entitled to fly its flag that undermine the effectiveness of the conservation and management measures adopted by the Commission; and
 - (d) seek co-operation with any non-Contracting Party that has been identified as importing, exporting or re-exporting fishery products derived from fishing activities in the Convention Area.

Article XVII – Co-operation with other organizations

The Organization shall:

- (a) cooperate, as appropriate, on matters of mutual interest, with the Food and Agriculture Organization of the United Nations, with other specialized agencies of the United Nations and with other relevant organizations;
- (b) seek to develop cooperative working relationships and may enter into agreements for this purpose with intergovernmental organizations that can contribute to its work and have competence for ensuring the long-term conservation and sustainable use of living resources and their ecosystems. It may invite such organizations to send observers to its meetings or those of any of its subsidiary bodies; it may also seek to participate in meetings of such organizations as appropriate; and
- (c) cooperate with other relevant regional fisheries management organizations taking note of their conservation and management measures.

Article XVIII – Review

The Commission shall periodically initiate reviews and assessments of the adequacy of provisions of this Convention and, if necessary, propose means for strengthening their substance and methods of implementation in order to address any problems in attaining the objective of this Convention.

Article XIX – Annexes

The Annexes shall form an integral part of this Convention and unless expressly provided otherwise, reference to this Convention includes reference to the Annexes.

Article XX – Good faith and abuse of rights

Contracting Parties shall fulfil in good faith the obligations assumed under this Convention and shall exercise the rights recognized in this Convention in a manner which would not constitute an abuse of right.

Article XXI – Relation to other Agreements

1. This Convention shall not alter the rights and obligations of Contracting Parties that arise from other Agreements compatible with this Convention and that do not affect the enjoyment by other Contracting Parties of their rights or the performance of their obligations under this Convention.
2. Nothing in this Convention shall prejudice the rights, jurisdiction and duties of Contracting Parties under the 1982 Convention or the 1995 Agreement. This Convention shall be interpreted and applied in the context of and in a manner consistent with the 1982 Convention and the 1995 Agreement.

Article XXII – Amendments to the Convention

1. Any Contracting Party may propose amendments to this Convention to be considered and acted upon by the Commission at its annual meeting or at a special meeting. Any such proposal 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 each Contracting Party.
2. Adoption of a proposed amendment shall require a three-fourths majority of the votes of all Contracting Parties. The text of any amendment so adopted shall be transmitted by the Depositary to each Contracting Party.

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 within ninety days of the date of transmittal specified in the notification by the Depositary of such receipt, any other Contracting Party notifies the Depositary that it objects to the amendment, in which case the amendment shall not take effect for any Contracting Party. Any Contracting Party that has objected to an amendment may at any time withdraw that objection. If all objections to an amendment that has been approved by three-fourths of all Contracting Parties 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 that becomes a Contracting Party to the Convention after an amendment has been adopted in accordance with paragraph 2 shall be deemed to have approved that 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 paragraphs 1 through 5, the Commission may by a two-thirds majority vote of all Contracting Parties:
 - (a) taking into account the advice of the Scientific Council, if it considers it necessary for management purposes, divide the Regulatory Area into scientific and statistical subareas, regulatory divisions and subdivisions, as appropriate. The boundaries of any such subareas, divisions and subdivisions shall be set out in Annex I;
 - (b) at the request of the Scientific Council, if it considers it necessary for management, 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 affected concurs in such action.

Article XXIII - 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 XXIV - Denunciation

1. A Contracting Party may denounce this Convention by written notification to the Depositary on or before 30 June of any year. The denunciation shall take effect on 31 December of that same year. The Depositary shall without delay notify all other Contracting Parties.
2. Any other Contracting Party may thereupon by written notification to the Depositary no later than thirty days following notification pursuant to paragraph 1 also denounce the Convention with effect on 31 December of that year. The Depositary shall without delay notify all other Contracting Parties.

Article XXV - 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 and any amendment thereof 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 4. EU Proposal

Format for Proposal to amend the NAFO Convention

by (CP name)

The (C.P. name) as a Contracting Party hereby proposes that amendments be made to the Convention on future Multilateral Cooperation in the Northwest Atlantic Fisheries. This proposal for amendments is to be acted upon at this year's Annual Meeting in Portugal in September. It is hereby requested that the proposal be dealt with in accordance with the procedure set out in Article XXI paragraph 1 of the said Convention.

Explanatory Memorandum

At the 2005 Annual Meeting, NAFO Parties agreed to launch a reform of the Organization. This reform process included the creation of a Working Group which was requested to review and if appropriate revise the NAFO Convention. This working Group met on two occasions in 2006.

During an Extraordinary session of the General Council in Montreal from 19 to 20 April 2007, the General Council approved the conclusions of the Working Group and Parties agreed that a proposal amending the NAFO Convention be submitted ninety days prior to the 2007 Annual Meeting in application of Article XXI paragraph 1 of the said Convention.

This proposal was elaborated by a Technical Working Group which met in Brussels from 22-23 May 2007.

Proposal

The Contracting Parties to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereinafter "Convention") have agreed as follows:

Article 1

The title of the Convention shall be amended to read as follows;

"Convention on Cooperation in the Northwest Atlantic Fisheries"

Article 2

The Preamble of the Convention shall be deleted and replaced by the following new Preamble:

...(Insert preamble from edited (June 20) version of GC WP 07/12)

Article 3

Articles I – XXI shall be deleted and replaced by the following new Articles:

...(Insert Articles I-XXII from edited (June 20) version GC WP 07/12)

Article 4

Article XXII shall be renumbered as Article XXIII.

Article 5

Article XXIII shall be deleted.

Article 6

Articles XXIV and XXV shall be deleted and replaced by the following new Articles:

"Article XXIV – Denunciation

1. *A Contracting Party may denounce this Convention by written notification to the Depositary on or before 30 June of any year. The denunciation shall take effect on 31 December of that same year. The Depositary shall without delay notify all other Contracting Parties.*
2. *Any other Contracting Party may thereupon by written notification to the Depositary no later than 30 days following notification also denounce the Convention with effect on 31 December of that year. The Depositary shall pursuant to paragraph 1 without delay notify all other Contracting Parties."*

Article XXV – 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 and any amendment thereof with the Secretariat of the United Nations."*

Article 7

Annexes I – II shall be deleted:

Article 8

Annex III shall be replaced by the following 2 Annexes:

... (Insert Annexes from GC WP 07/12, Revision 4)

SECTION VI
(pages 295 to 318)

**Report of the Standing Committee on
International Control (STACTIC)
5-7 June 2007
Gdynia, Poland**

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**Report of the Standing Committee on
International Control (STACTIC)**
(FC Doc. 07/2)

**5-7 June 2007
Gdynia, Poland**

1. Opening of the Meeting (Chair: Mads Nedergaard, DFG)

The Chairman opened the meeting at 9:15 am at the Sea Fisheries Institute, Gdynia, Poland 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. Appointment of Rapporteur

Mr. Brent Napier (Canada) was appointed rapporteur.

3. Adoption of Agenda

The Chair introduced the agenda and opened the floor to comments.

The representative of Norway re-introduced an agenda item on Port State Control that had been withdrawn from previous STACTIC agenda for inclusion under agenda item 10.

The representative of Canada proposed the following agenda items:

1. Recording of catch and stowage (Article 20), under agenda item 10 (iv);
2. Obligations of Vessel Masters During Inspections (Article 30), requiring vessel Masters to record tow information related to by-catch under agenda item 10 (iv);
3. Gear Requirements (Article 10), the prohibition of topside chafers as sanctioned gear in the NRA, under agenda item 10 (ii); and
4. An information paper on the retention and landing of vulnerable species of Wolffish (under agenda item 13).

The representative of Denmark (in respect of the Faroe Islands and Greenland) proposed the inclusion of agenda items on boarding ladders, as agenda item 10 (ii) and a definition of transshipment, under agenda item 10 (viii).

The NAFO Secretariat proposed the inclusion of a paper on improvement to data consistency between the catch databases of NAFO and the United Nation Food and Agricultural Organization (FAO) under agenda item 10.

The agenda as attached was adopted. (Annex 2)

4. Update regarding VMS service provider

The NAFO Secretariat introduced STACTIC WP 07/4 which provided a brief history of events and current status of the initiative. The update included information related to the establishment of a parallel NAFO VMS system, scheduled to begin July 1, 2007. The parallel system itself will be in place until the discontinuation of service by the former service provider (Trackwell) on January 1, 2008. The NAFO Secretariat indicated that there were issues requiring resolution prior to the commencement of the new contract, but all have been addressed and the contract with the new service provider (Sirius IT) was signed in April 2007. It is anticipated that the transition will be made as seamlessly as possible and that the only visible changes will be a new HTTP address and encryption protocol.

Representatives were satisfied with the report and the agenda item was closed.

5. Compilation of fisheries reports for compliance review 2005 and 2006

The Chair opened the agenda item by reminding representatives that this important STACTIC function had been postponed over the last two years due to a STACTIC decision to revamp the compliance report process and instruction by Fisheries Commission to focus on NAFO Reform issues. The Chair voiced concern over the lack of progress made by the working group established at the annual meeting in 2005 to reform the compliance review process, and indicated that future working groups on this matter would be best served by meetings of the participants rather than working via the internet.

The Chair indicated that in order to advance progress on this issue, he has worked closely with the NAFO Secretariat on a process, based in part on Canadian proposal 06/6, to develop some compliance data tables and corresponding options for their application.

The representative of the EU suggested that STACTIC clearly establish objectives prior to delving into the process, and also pointed out that the process could be made more effective by focusing on key objectives.

The Chair reinforced the fact that STACTIC was obligated to review compliance as part of its regular work but acknowledged that a modification of the current process was required, especially to monitor and identify issues with the newly adopted measures from the annual meeting in 2006. Accordingly, the Chair suggested the re-establishment of the working group. The Chair suggested that the working group should meet outside of the regular STACTIC meeting to prepare options/recommendations in advance of the 2007 annual meeting.

The representative of Canada agreed with the Chair's assessment that the compliance review was an essential and required part of STACTIC's work and indicated that Canada would be willing to participate in any re-established working group.

The Chair indicated that Denmark (in respect of the Faroe Islands and Greenland) would be prepared to host an extraordinary meeting in an effort to advance this important issue and opened the floor to comments.

The representative of the EU reiterated that succinct objectives should be established and any compliance review process should allow for clear conclusions, on the state of compliance, to be drawn.

It was agreed that the re-established working group will be made up of participants from Canada, the EU, Denmark (in respect of the Faroe Islands and Greenland), and France (in respect of St. Pierre-et-Miquelon) with the support of the NAFO Secretariat.

The NAFO Secretariat circulated draft compliance tables (STACTIC W.P. 07/7) to assist the working group in their work. The Chair directed the working group to refer to Canadian proposal 06/6 in the development of a compliance report that will identify trends and enable comparisons of compliance between years.

It was decided that the group would meet in Copenhagen prior to August 2007 to develop a draft compliance review report and recommendations to be presented to STACTIC at the annual meeting in 2007.

6. Pilot Project Evaluation (formerly Chapter VII – Pilot Project on Observers, Satellite Tracking and Electronic Reporting)

The Chair opened this agenda item and questioned the utility of conducting an evaluation of a pilot project that has already been adopted. As Article 57 of the NAFO Measures called for an evaluation, the Chair indicated that the NAFO Secretariat was asked to prepare supporting documentation.

The NAFO Secretariat introduced STACTIC WP 07/5 (Revised) and indicated that information was compiled to assist STACTIC with the evaluation in accordance with the five elements identified in Article 57 of the NAFO Measures.

The representative of the EU shared the Chair's view that this requirement had been overtaken by events and reminded parties that the entire scheme was subject to an ongoing evaluation, as part of STACTIC's regular business and there was no need to single out individual elements, such as the adopted observer measures, for special evaluation.

The representative of Norway agreed with the assessment of the representative of the EU and also questioned the relevance of Article 53 (5), which calls for a balanced application of the measures, in light of the adoption of pilot project.

The representative of the EU recalled that Article 53 (5) was established to ensure a balanced application of the pilot project by participants between fisheries (e.g. groundfish and shrimp). The representative of the EU further elaborated by saying that this provision did not affect Contracting Parties involved in only one fishery.

The representative of Canada understood the representative of Norway's comment but pointed out that the intention of Article 53 (5) was still valid in the newly adopted measures, even if it did not apply in the case of all Contracting Parties.

The representative of the United States voiced the opinion that the elements called for within Article 57 should be revised to reflect the adoption of the new measures or eliminated from the NAFO Measures, to avoid confusion. The representative of the EU agreed with the appraisal of the situation made by the United States.

The representative of Iceland acknowledged, as drafters of the proposal called for the adoption of the pilot project, that given the circumstances surrounding the adoption of their proposals changes were required in the existing text.

The representative of Canada volunteered to redraft Article 57 in view of the issues with the existing text. The representative of Iceland indicated that they would collaborate with Canada on the re-draft. The representative of Canada presented the second draft. Suggestions from the EU and the United States were noted and Canada and Iceland committed to collaborating on a re-drafted proposal of STACTIC WP 07/17 to be discussed at the annual meeting.

7. Review of STACFAC's former mandate with regards to STACTIC's new role and responsibilities

The representative of the United States, as former Chair of STACFAC, provided some insight into the issues related to STACFAC's former mandate and informed STACTIC members that the primary duty in this regard was the review of Non-Contracting Party (NCP) activity and development of appropriate measures to address this activity. The representative of the United States went on to indicate that this duty could create workload issues and questioned whether a working group should be established to deal with former STACFAC items during times of enhanced NCP activity or if STACTIC's agenda's did not permit for full attention to STACFAC's former mandate. The representative of Iceland was in agreement and offered that a joint NAFO-NEAFC initiative, given shared membership, could be an option.

The Chair noted that NCP activity has diminished and indicated that the NEAFC Permanent Committee on Control and Enforcement (PECCOE) did not encounter workload issues while tackling both regular compliance and NCP issues. The representative of Norway added that tracking NCP activity is a preoccupation of most Contracting Parties anyway and STACTIC's work would be building on this ongoing activity.

The representative of Iceland, recognizing the 30 day objection period, questioned the significant delay between the placement of a vessel on the NEAFC IUU list in late 2006 and NAFO's inclusion of the vessel on its IUU list in 2007. The NAFO Secretariat indicated that, due in part to a new process and the fact that the measures, calling for harmonized NAFO-NEAFC IUU lists, did not come into affect until late 2006, the update to the NAFO list was delayed. The representative of Iceland remarked that unnecessary delays must be avoided as they reduce the effectiveness of the measures. The EU agreed with Iceland's assessment and indicated that the harmonization should be automatic.

The representative of the EU noted that STACTIC should have two main tasks with regards to NCP activity: maintain the IUU list and evaluate the implementation of the scheme. In addition, the representative of the EU

suggested that it may be appropriate to consider a review of Chapter VI of the NAFO Measures to determine if amendments are necessary as recent occurrences, such as flag state inaction regarding a vessel on the IUU list, have highlighted some shortcomings in the NCP schemes. As a further example of oversights in the NCP scheme the representative of the EU pointed to the lack of provisions to remove vessels from the IUU list that have been scrapped or sunk. The representative of the United States supported these comments. The Chair noted that there should be a way to remove vessels from the IUU list when proof of scrapping is received.

The Chair recommended that the mandate identified in the rules of procedure be refined and incorporated into the STACTIC mandate. The representative of the United States committed to providing a draft at the NAFO annual meeting.

8. Review of current IUU list pursuant to NAFO CEM Article 49.3

The Chair introduced the subject and indicated that as part of the new duties of STACTIC a review of the current IUU list was required. The Chair introduced STACTIC WP 07/6 prepared by the NAFO Secretariat.

The representative of the United States questioned whether there were NCP vessels identified in the NRA in 2007 and what, if any, vessels were currently on the provisional list. The Chair indicated that there were no vessels currently on the provisional list.

The item was closed, to be reviewed again at the NAFO annual meeting in 2007.

9. Report by Secretariat on feasibility and advantages of obtaining access to the Lloyd's Registry

The Chair opened the agenda item and requested that the NAFO Secretariat present STACTIC WP 07/8.

The NAFO Secretariat provided some background and outlined the various options available for obtaining access to Lloyd's Registry of vessels.

The representative of Norway indicated that Lloyd's had evolved from its early days as simply an insurance tool and was now useful for obtaining information and tracking vessels of interest. In addition, the representative of Norway indicated that Lloyd's information would be useful in assisting with the identification of vessels sunk or scraped and ultimately the updating of the NAFO IUU list should flag states fail to provide information.

The representative of the EU indicated that, as was the case for many Contracting Parties, the EU currently utilizes the Lloyd's registry and has most found it useful as a source of information.

The representative of the United States questioned whether this would be available, via the internet, to all Contracting Parties and indicated that, if funding was available, access to this registry could be a welcome source of additional information. The NAFO Secretariat indicated that the identified options only included single source access.

The representative of Iceland indicated that this was more of a NAFO management issue and, as many Contracting Parties have access and find value in the system, NAFO should likely have access as well. The representative of Norway supported Iceland's position.

The representative of Canada indicated that, although NAFO's exact need for access to the registry is unclear, it may be useful to acquire access on a temporary basis to evaluate its usefulness over the period of one year. The representative of the EU also questioned the NAFO Secretariat's need and whether a free trial was available. The NAFO Secretariat responded that the information would be relayed to Contracting Parties and also be used to update the website with pertinent information related to vessels on the IUU list.

Given the comments the Chair suggested the NAFO Secretariat obtain access for a temporary period of one year to assess the usefulness of the registry and return to the next STACTIC intersessional with a report on its experiences. There was consensus among representatives on this approach and the item was closed.

10. Possible Amendments to the Conservation and Enforcement Measures

i. Product labelling by species/stock area

The Chair introduced the agenda item and indicated that this issue revolved around Article 19 and elements discussed in STACTIC WP 05/33 and FC Doc 06/12.

The representative of the EU indicated that this issue had been partially addressed in measures adopted at the 2006 annual meeting and that there existed an interpretational concern that needed to be addressed. The representative of the EU brought attention to the fact that Article 19 required a review to correct such items as the reference to Greenland halibut in 3KLMNO, when the actual divisions listed in annex 1.A. are 3LMNO.

STACTIC WP 07/13 (Annex 3) was presented and briefly explained by the representative of the EU. The representative of Iceland questioned why production dates were not included in the proposal and the representative of the EU indicated that this would be difficult for vessels to apply and unnecessary as the fish was frozen and other indicators acceptable to industry, such as week or month, were utilized.

The representative of Canada indicated that there were many positive elements in the EU proposal, however cautioned that it could be seen as a step backwards, as the proposal called for an amendment to a newly adopted measure. Given the circumstance the representative of Canada recommended that the proposal be conditionally accepted and evaluated after one year. The representative of Iceland concurred with this position.

The representative of the EU indicated that, given the logistical impact on the fishing industry, a reasonable transition period should be provided. The representative of Canada suggested that the proposed measures commence July 1, 2008.

The conditional proposal was accepted by STACTIC and will be tabled at the Fisheries Commission during the annual meeting in 2007 for consideration.

ii. Strengthening ropes, bags, topside chafers

The Chair provided a quick update of the issue and asked Canada to present STACTIC WP 07/11.

The representative of Canada provided a synopsis of its proposal to modernize the NAFO measures by prohibiting the use of topside chafers. As explained by Canada the use of stronger, more buoyant man-made net materials coupled with changes in fishing practices, specifically the move away from side trawling, has effectively eliminated the need for topside chafers. The representative of Canada elaborated by saying these devices currently authorized within the NRA may limit escapement possibilities for juvenile fish and other restricted catch.

The Chair acknowledged that the authorized gear types referred to in the NAFO Measures originated in the former ICNAF measures and that the circumstance within the NRA have changed since those measures were originally adopted.

The proposal was supported by the representatives of Japan and the United States. The representative of Norway noted that situations may differ in the domestic fisheries.

The representative of the EU welcomed the Canadian proposal and to further illustrate the problem provided the example of certain types of gear creating a blinder effect, however indicated that due to the nature of the proposal, industry would need to be consulted prior to proceeding on this matter. Both the Russian and Icelandic representatives agreed with this suggestion.

The Chair remarked that other more selective gear, such as escapement panels and mesh configuration, should also be given future consideration.

Given the need for industry consultations it was agreed to defer this item to the 2007 NAFO annual meeting.

iii. Notification and catch reporting requirements in 3L and 3M shrimp fisheries

The Chair opened the agenda item by informing representatives that this issue had been referred to the Advisory Group on Data Communication to see if enhanced electronic reporting in the NAFO Division 3LM shrimp fishery was feasible

The representative of Iceland, as Chair of the Advisory Group on Data Communication, indicated this issue had been reviewed, most recently during the Advisory Group's April 2006 meeting in Bergen. The Advisory Group's opinion was that it was technically feasible and would recommend dealing with the reporting requirement in a pure catch reporting format, not as a COE/COX report. The representative of Iceland went on to say that Iceland had some experience with similar reporting requirements in the NEAFC Regulatory Area that had proved successful but that there was no existing format for the desired reports available in the NAFO context.

The Chair voiced concern that the added reports would be confusing for the NAFO Secretariat to interpret, however the representative of Iceland assured him that the reports were quite clear and the different areas and quantities would allow for easy interpretation. Although the required data elements were already in the system the representative of Iceland advised that a template would need to be developed.

The representative of Iceland agreed to develop a proposal on this issue for presentation at the next meeting of STACTIC.

iv. Accurate catch reporting

a. Automated COE/COX Comparison between NAFO and NEAFC Reports

The Chair explained that the first item revolved around misreporting of catch between species in NAFO and NEAFC and a possible automated procedure to compare COE/COX reports when vessels crossed between the two regulatory areas.

The representative of Iceland commented that, at present the desired process (further discussed in 06/23) was not feasible due to systemic issues between NEAFC's database and NAFO's database. The representative of Iceland advised that the quality of the catch reports would need to be improved and a more thorough analysis of the quality of information within the two databases would need to be conducted.

The Chair expressed the wish to further address this issue and suggested that Iceland could undertake the review and develop recommendations.

The representative of Iceland agreed to further review the issue with a view to tabling a working paper at the next meeting of STACTIC.

b. Stowage Plans Requirements - Amendment to Article 20

The representative of Canada explained that the rationale for STACTIC WP 07/16 was to ensure that vessel masters were given minimum standards to adhere to with regards to stowage plans in order to avoid the wide variance in quality observed in the NRA.

The representative of the EU provided some history of the development of the stowage plan issue and indicated that the initiative to adopt the language found in the current version of the NAFO Measures was a huge success and that there wasn't a need to develop standards as a stowage plan was either acceptable or not. In the case on an unacceptable stowage plan, the representative of the EU indicated that this would constitute an infringement and the master would be cited. The representative of the EU explained that masters should not be burdened with unnecessary requirements as, if there is a problem with the stowage plan, the port inspections would catch the problem. In addition, the representative of the EU explained that the technical level of masters varied from vessel to vessel and creating unrealistic standards and making them accountable to manage something outside of their control is unreasonable.

The representative of Norway recommended more time for reflection on this issue given the sensitivity.

The representative of Canada acknowledged the comments and committed to reviewing the proposal with the view to possibly returning with an amended version.

c. Record of Start/End Coordinates for Fishing Activity - Amendment to Article 20

The representative of Canada presented STACTIC WP 07/15 and indicated that it was desirable to have measures requiring vessel masters to maintain, and report if requested, on start and end coordinates of fishing activity. This would facilitate the inspectors work when attempting to determine compliance, especially in relation to by-catch provision and area closures.

The representative of the EU, while appreciating the effort, considered that there could be many implications to this proposal which would have to be examined. He questioned the requirement as closed areas could be monitored via VMS and that this information was already being provided by masters to protect themselves. The representative of the EU also noted that the concept of fixed gear was included in the proposal and suggested that other Articles, in particular Article 9, be reviewed in the context of non-trawl gear. Further more the proposal is not in conformity with the present rules which provide for the log book to be completed on a daily basis.

The representative of Iceland encouraged Contracting Parties to provide examples of their respective log books.

The representative of Norway commented that, domestically in Norway some of the requirements presented in the proposal were already fulfilled in the log book. The representative of Denmark (in respect of the Faroe Islands and Greenland) also indicated that this was addressed domestically in the log books and suggested that the Canadian proposal, originally calling for added obligations under Article 30, address the concern under Article 20. The representatives of Russia and Iceland supported Norway's and Denmark's (in respect of the Faroe Islands and Greenland) positions.

Based on these comments Canada submitted a revised proposal (STACTIC W.P. 07/18) for amendments to Article 20. After some discussion it was agreed to defer this issue to the NAFO annual meeting to provide time for further reflection.

v. Clarification re Article 15.2

The Chair noted that STACTIC WP 06/34 had been developed to create added flexibility in the case of chartering arrangements where vessels were not able to complete the charter, as in an instance of required repairs. The Chair added that this proposal originally had no objection at STACTIC, however was withdrawn from Fisheries Commission in advance of its adoption at the annual meeting in 2006.

The representative of the United States noted that the actual text in the proposal seems to contradict the original intention by actually reducing flexibility.

The representative of Canada recalled that the language originally discussed at STACTIC reflected one fishing vessel at any one time and not the limiting language that exists in the current proposal.

The representative of the EU suggested that there was also a need to review Article 15.6 and come to consensus on whether, in an instance when a charter is halted, there is flexibility to return to the charter for the balance of the six months.

The Chair advised that the issues under Article 15 should be reviewed and a new proposal be drafted to address the issues. The representative of the EU agreed to undertake the review and re-draft.

vi. Vessel monitoring system (Article 22.1)

The representative of Canada provided a summary of STACTIC WP 07/10, which called for a consistent one hour VMS reporting interval in the NRA, and highlighted some relative benefits of this approach.

The representative of Iceland expressed full support and agreed that having two different VMS reporting intervals within one scheme was not ideal and noted that there was merit in adopting the hourly reporting, especially in the context of airborne patrols. The representatives of the United States, Norway and Denmark (in respect of the Faroe Islands and Greenland) supported the Canadian proposal.

The representative of the EU indicated that they could support the initiative, however questioned the actual advantages of one hour reporting given: the potential cost increase, need to manage higher data volumes and actual utility of the increased frequency. The representative of the EU offered that a “polling” provision, similar to one that exists with the EU that allows for “as and when required” VMS reporting, may be more appropriate.

The representative of Japan indicated that he would need to look into the domestic systemic implications of the change and would return at the annual meeting prepared to provide Japan’s position on the issue.

The item was deferred to the annual meeting in 2007 to provide sufficient time for parties to reflect on the proposal.

vii. Transshipment Definition

The representative of Denmark (in respect of the Faroe Islands and Greenland) introduced STACTIC WP 07/3 and informed representatives that, at the 2006 working group on NAFO reform meeting, it was decided that a definition for transshipment would be best placed with the NAFO Measures. It was further decided that, in the interest of harmonization, the NEAFC definition should be considered. Accordingly, Denmark (in respect of the Faroe Islands and Greenland) proposed the NEAFC definition of transshipment for inclusion into Article 2 of the NAFO Measures.

The representative of the EU supported the proposal, specifically in the interest of harmonization with NEAFC and provided information related to the development of the definition in the NEAFC context.

The representative of the United States supported the concept but suggested some text changes intended to better define transshipment in the NAFO context.

Denmark (in respect of the Faroe Islands and Greenland) revised the proposal, based on comments, and re-introduced the proposal as STACTIC WP 07/3 (Revised) (Annex 4). The proposal was accepted by STACTIC and will be forwarded to the Fisheries Commission for consideration at the annual meeting in September 2007.

viii. Boarding Ladders

The representative of Denmark (in respect of the Faroe Islands and Greenland) re-introduced the subject of boarding ladders based on further review of the issue in a legal and safety context and presented STACTIC WP 07/2 (Annex 5). After a brief background, where an account of the origin and history of the proposal was presented, the representative of Denmark (in respect of the Faroe Islands and Greenland) added that the provisions were consistent with those adopted by the Maritime Pilots Association and the suggestions coming out of the NAFO inspector’s workshop in Brussels (January 2005).

The representative of Canada supported the proposal and indicated that, despite being incorporated by reference (IMO standards) the provisions outlined in the WP were important enough that they should be explicit in the NAFO Measures. The representatives of the EU, Iceland, Japan and France (in respect of St. Pierre-et-Miquelon), concurred with Canada’s opinion.

The proposal was accepted and will be provided to the Fisheries Commission for consideration at the NAFO annual meeting in 2007.

ix. Port State Measures

Norway provided an overview of STACTIC WP 07/1 and elaborated on the proposal that was based on principles from the FAO scheme and modeled after the newly adopted NEAFC Port State Control scheme. The representative of Norway explained that this proposal was intended to stimulate discussion and advance this initiative in NAFO.

The representative of Japan lauded Norway for its efforts but expressed the desire to have added flexibility regarding the prior notification requirements built in, given the burden it could create on certain Contracting Parties. The representative of Japan also noted that some of the measures, specifically elements of Article 44 dealing with fish confiscation, appeared severe.

The representative of the EU thanked Norway for its work on this initiative but indicated that it needed to be given careful consideration, as NAFO already had existing port state controls incorporated into the NAFO Measures that includes 100% inspection requirements. The EU delegation also pointed out in the measures adopted by NEAFC only 15% of landings are subject to a full inspection. This has to be seen in the wider context where other requirements, such as the prior notification of catch onboard, form part of the overall system. In addition, the representative of the EU informed the representatives that the FAO was in the process of developing world wide standards for port state measures that would need to be considered in any related NAFO exercise.

The representative of Iceland supported the proposal but indicated that lessons should be learned from the NEAFC experiences.

The representative of Russian expressed support in principle for the concept but stressed that port state schemes can create heavy workload issues for certain Contracting Parties, example being Russia in the NEAFC context given the size of its fishing fleet.

It was decided to monitor the progress of the FAO port state measures initiative and take note of NEAFC's experiences with its new Scheme to garner valuable information that could be used to develop similar initiatives in the NAFO context.

The representative of Canada congratulated Norway for their efforts in this regard and expressed an interest to re-engage on this issue at the annual meeting. The representative of Canada also committed to working with Norway to address questions that had been raised in Canada regarding the proposal, and encouraged other parties to do the same.

The agenda item was deferred to the 2007 NAFO annual meeting.

11. Transshipment Issue

The Chair introduced the agenda item and provided a brief account of the issue. The Ukraine had engaged an NCP Vessel to transship and had indicated their willingness to discuss this issue at STACTIC.

The representative from Iceland indicated that the activities highlighted were not consistent with the NAFO Measures.

As the representative of the Ukraine was not present to address STACTIC and the issue had already been deferred from a previous meeting the item was closed.

12. Omega Mesh Gauge

The Chair began the discussion by requesting that Contracting Parties with experience in the use of the Omega mesh gauge provide a brief synopsis of their respective experiences.

The representative of the EU informed the representatives that the EU had experimented with the Omega gauge in the NRA and found that the experience was generally positive, however did note that the gauge itself was relatively expensive, calibration was an issue and some inspectors found it to be somewhat heavy and awkward to handle. The

representative of the EU indicated that the gauge was being considered for more widespread use, especially in the domestic setting, however mesh was not currently a problem within the NRA and this issue should be prioritized accordingly.

The representative of Canada, having also tested the Omega gauge, shared similar observations as those from the EU representative, however added that timing, durability and practicality were also an issue.

The Chair concluded that ongoing testing would be conducted, when convenient, to see if the Omega gauge was practical in a scientific/enforcement capacity within the NRA, however noted that this was not a priority for NAFO at this stage.

13. Other Matters

i. Improved Data Consistency between NAFO and FAO

The Chair remarked that, after a review of NAFO Secretariat's paper STACTIC WP 07/9 on data consistency improvements, he was hesitant to accept the proposal.

The representative of the EU echoed the Chair's concern over the application of this proposal, given that FAO and NAFO figures came from two different sources, and voiced concerns over performing ad hoc and potential arbitrary changes to data. The representative of Denmark (in respect of the Faroe Islands and Greenland) shared the EU's position while the representative of Canada indicated that there were implications to making the suggested changes that would need to be analyzed before a decision could be made on this proposal.

The Chair concluded that it was not practical to attempt to harmonize two different reporting systems that gather information differently. He further elaborated by indicating that this exercise was useful in that it identified potential discrepancies in the NAFO data that need to be addressed and Contracting Parties were encouraged to work with the NAFO Secretariat to ensure accurate data.

ii. Canadian Information Paper on Wolffish

The representative of Canada provided STACTIC representatives with information regarding Canada's intention to prohibiting the possession of certain species of Wolffish, protected under domestic law, in Canadian waters effective January 1, 2008. It was explained that these measures were adopted to discourage the retention of Wolffish in the NRA and is considered, by Canada, as a first step towards other possible actions that could be taken, both domestically and within NAFO to protect vulnerable Wolffish species.

iii. Correction of Annex XX (c) – Missing Product Forms

The representative of Russia brought to the attention of STACTIC representatives that there was a discrepancy in Annex XX (c) between the 2006 and 2007 versions of the NAFO Measures.

After a review of the issue and comments made by the representative of Iceland that the Product Codes would need to be amended, to ensure they reflected the NEAFC's codes, the NAFO Secretariat made the necessary correction and documented the changes in STACTIC WP 07/19 (Annex 6). This will be corrected in the next version of the NCEM.

iv. Clarification of Article 10.1(e) – Gear Requirements and Annex I.A. – Annual Quota Table

The representative of Russia drew attention to a possible inconsistency in the NAFO measures, where Article 10 paragraph 1(e) references *Sebastes mentella* (oceanic redfish) and the Annual Quota table reflects only the species name redfish. The Russian representative, in the interest of clarity, recommended that the reference to *Sebastes mentella* be stricken and only the term redfish be utilized.

The Chair recommended that the Russian representative outlines his argument in a proposal to be addressed at the 2007 annual meeting. The item was deferred to the annual meeting.

v. Electronic Observer Report Template

The NAFO Secretariat reminded representatives that a template for electronic observer reports was circulated for comment and requested that comment and recommendations be forwarded to facilitate work on this initiative.

The representation of Iceland indicated that they had received the template and their first impression was that the template was too complicated for practical application at sea.

The Chair encouraged STACTIC representatives to review the template and provide comments to the Secretariat.

vi. Port Inspection Report

The representative of the EU introduced STACTIC WP 07/14 (Annex 7) and explained that on the existing template there was no space provided for information pertaining to infringements or discrepancies found by inspectors during port inspections. The aim of the proposal was to create greater transparency and provide a clearer basis for evaluating follow-up and level of compliance.

The representative of Canada voiced support for the proposal, indicating that the proposal added value to the form and would be advantageous for the compilation of data by the Secretariat and to assist with compliance reviews. The representative of Iceland shared Canada's sentiments.

The proposal was approved by consensus and will be provided to the Fisheries Commission for consideration at the NAFO annual meeting in 2007. The EU delegation undertook to develop a revised port inspection form template for the annual meeting.

14. Election of Vice-Chair

The Chair introduced item 14 and expressed his wish that this important role, long vacant, could be filled. The representative of Canada suggested that, based on former experience as both a STACTIC and STACFAC Chair, and after consultation with other Contracting Parties, Gene S. Martin, Jr. of the United States be nominated for Vice-Chair.

Mr. Martin accepted the nomination and was unanimously elected Vice-Chair by the STACTIC representatives.

15. Adoption of Report

The report was adopted by the delegates.

16. Adjournment

The meeting adjourned at 11:00 AM on Thursday, June 7, 2007.

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening by the Chair, Mads Nedergaard (DFG)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Update regarding VMS service provider
5. Compilation of fisheries reports for compliance review 2005 and 2006
6. Pilot Project Evaluation
7. Review of STACFAC's former mandate with regards to STACTIC's new role and responsibilities
8. Review of current IUU list pursuant to NAFO CEM Article 49.3
9. Report by Secretariat on feasibility and advantages of obtaining access to the Lloyds Registry
10. Possible Amendments of Conservation and Enforcement Measures
 - i. product labelling by species/stock area
 - ii. strengthening ropes, bags, topside chafers
 - iii. notification and catch reporting requirements in 3L and 3M shrimp fisheries
 - iv. accurate catch reporting
 - a. automated COE/COX comparison between NAFO and NEAFC reports
 - b. stowage plan requirements – amendment to Article 20
 - c. record of start/end coordinates for fishing activity – amendment to Article 20
 - v. clarification re Article 15.2
 - vi. vessel monitoring system (Article 22.1)
 - vii. transshipment definition
 - viii. boarding ladders
 - ix. port state measures
11. Transshipment Issue
12. Omega Mesh Gauge
13. Other Matters
14. Election of Vice-Chair
15. Adoption of Report
16. Adjournment

Annex 3. Product Labelling Requirements (STACTIC W.P. 07/13-proposal by EU)

Background:

The FC Doc 06/12, new Management Measures for Shrimp in Divisions 3L and 3M, was adopted at the 2006 Annual Meeting.

The objective of this proposal, as specified in its title and explanatory memorandum, was to enhance the control tools in order to prevent misreporting of shrimps catches between Divisions 3L and 3M.

The European Community fully shared that objective and supported this proposal.

Scope:

The consolidated changes, in particular in relation to the Article 19, which read in isolation could give impression that boxes of not only shrimps but all other species should be marked with the date of capture can create new obligations for other fisheries than the shrimps fishery.

The EC cannot share that view.

PROPOSAL:

Article 19 – Product Labelling Requirements

When processed all fish harvested in the Regulatory Area shall be clearly marked as having been caught in the Regulatory Area and be labelled in such a way that each species and product category is identifiable using the 3-Alpha Code in Annex II.

The species mentioned in Annex I.A. shall be marked with the Division or stock area in accordance with the fishing possibilities mentioned in the Annex I.A.

Furthermore, in the case of shrimps, the date of capture shall also be identifiable and shrimps harvested in Division 3L and 3M shall be marked accordingly with the Division.

Annex 4. Definition of Transhipment
(STACTIC W.P. 07/3, Revised-proposal by DFG)

Background:

In 2006 the working group on the Reform of NAFO expressed a wish to define the concept of transhipment, but considered that this definition should appear in the NCEM and not in the Convention (Reform WG WP 06/16). STACTIC then determined that the definition should be incorporated into the NCEM. It was decided that, in the interest of harmonization, the NEAFC definition should be considered.

Proposal:

Denmark (in respect of Greenland and the Faeroe Islands) proposes an addition to the NAFO CEM Article 2 – Definitions regarding transhipment.

“Transhipment” means the transfer, over the side, of any quantity of fisheries resources or products thereof retained on board, from one fishing vessel to another.

Annex 5. Boarding Ladders (STACTIC W.P. 07/2-proposal by DFG)

Background:

At the NAFO Inspectors Workshop held in Brussels during 25th to 27th January 2005, the inspectors expressed a need for a reinstatement of provisions concerning the construction and use of boarding ladders into the then present NAFO CEM (FC Doc. 04/1). Following the STACTIC meeting in Reykjavik in April 2005, Denmark (in respect of Greenland and Faeroe Islands) took the task of looking into this issue.

A proposal regarding boarding ladders (STACTIC W.P. 05/22) was tabled at the STACTIC annual meeting in Tallin, September 2005. The proposal was turned down as the mandate to effect these changes was questioned. Greenland has reconsidered the proposal and has found no legal implications. A similar proposal has been adopted by NEAFC in 2006 and is included as Annex 14 in NEAFC scheme of control and enforcement.

In the present CEM only one sentence describes boarding ladders:

Article 30 – Obligations of Vessel Masters During Inspection

1. The master of a fishing vessel shall:

- c) *provide a boarding ladder which is in conformity with recommendations concerning pilot ladders adopted by the International Maritime Organisation*

In the International Maritime Organisation (IMO), Torremolinos protocol of 1993 the following recommendations are stated concerning pilot ladders:

Chapter VI - Protection of the crew

(7) Embarkation ladders

- (a) *Handholds shall be provided to ensure a safe passage from the deck to the head of the ladder and vice versa.*
- (b) *The steps of the ladder shall be:*
 - (i) *made of hardwood, free from knots or other irregularities, smoothly machined and free from sharp edges and splinters, or of suitable material of equivalent properties;*
 - (ii) *provided with an effective non-slip surface either by longitudinal grooving or by the application of an approved non-slip coating*
 - (iii) *not less than 480 mm long, 115 mm wide and 25 mm in depth, excluding any non-slip surface or coating;*
 - (iv) *equally spaced not less than 300 mm or more than 380 mm apart and secured in such a manner that they will remain horizontal.*
- (c) *The side ropes of the ladder shall consist of two uncovered manila ropes not less than 65 mm in circumference on each side. Each rope shall be continuous with no joints below the top step. Other materials may be used provided the dimensions, breaking strain, weathering, stretching and gripping properties are at least equivalent to those manila rope. All rope ends shall be secured to prevent unravelling.*

The above-mentioned recommendations from the IMO are scarce compared to the provisions in the NAFO CEM (FC/DOC. 02/9). The IMO provisions have been designed with a near port boarding in mind, and are not intended for boarding vessels at high seas. The provisions in the IMO lack descriptions of ladder efficiency, purpose, maintenance, replacement of steps, batten requirements, gateway passage, lighting of ladder, lifebuoy, ladder placement and rigging supervision.

Provisions regarding mechanical pilot hoists are not included in the CEM. Since the usages of mechanical pilot hoists are becoming more frequent on larger vessels, Denmark (in respect of Greenland and the Faeroe Islands) believes that the CEM should include provisions regarding the usage of such a device. The European Maritime Pilots' Association (EMPA) has some recommendations concerning mechanical pilot hoists. Denmark (in respect of Greenland and the Faeroe Islands) therefore suggests that the CEM being amended accordingly.

Proposal:

To ensure safe boarding of the inspectors it would be most adequate if detailed provisions are reinstated in the CEM carried onboard the inspection vessels. Denmark (in respect of Greenland and the Faeroe Islands) suggests an amendment of the boarding ladder provisions stated in the CEM. It is recommended to incorporate the enclosed annex, an amended version of the boarding ladder provisions in the previous CEM. This will in addition necessitate an amendment of Article 30, paragraph 1 (c). Furthermore an implementation of provisions regarding mechanical pilot hoists will require an additional section (Article 30, 1. (d)). Following these recommendations Article 30 will be altered as following:

Article 30 – Obligations of Vessel Masters During Inspection

1. The master of a fishing vessel shall:

- c) provide a boarding ladder constructed and used as described in **Annex nn**.
- d) if a mechanical pilot hoist is provided, ensure that its ancillary equipment are of a type approved by the national administration. It shall be of such design and construction as to ensure that the pilot can be embarked and disembarked in a safe manner including a safe access from the hoist to the deck and vice versa. A pilot ladder complying with the provisions of paragraph 1.c of this article shall be kept on deck adjacent to the hoist and available for immediate use.

ANNEX nn**CONSTRUCTION AND USE OF BOARDING LADDERS**

1. A boarding ladder shall be provided which shall be efficient for the purpose of enabling inspectors to embark and disembark safely at sea. The boarding ladder shall be kept clean and in good order.
2. The ladder shall be positioned and secured so that:
 - (a) it is clear of any possible discharges from the vessel;
 - (b) it is clear of the finer lines and as far as practicable in the midlength of the vessel;
 - (c) each step rests firmly against the vessel's side.
3. The steps of the boarding ladder shall:
 - (a) be of hardwood or other material of equivalent properties, made in one piece free of knots; the four lowest steps may be made of rubber of sufficient strength and stiffness, or of other suitable material of equivalent characteristics;
 - (b) have an efficient non-slip surface;
 - (c) be not less than 480 mm long, 115 mm wide, and 23 mm in thickness, excluding any non-slip device or grooving;
 - (d) be equally spaced not less than 300 mm or more than 380 mm apart;
 - (e) be secured in such a manner that they will remain horizontal.
4. No boarding ladder shall have more than two replacement steps which are secured in position by a method different from that used in the original construction of the ladder and any steps so secured shall be replaced, as soon as reasonably practicable, by steps secured in position by the method used in the original construction of the ladder. When any replacement step is secured to the side ropes of the boarding ladder by means of grooves in the side of the step, such grooves shall be in the longer sides of the steps.

5. The side ropes of the ladder shall consist of two uncovered manila or equivalent ropes not less than 60 mm in circumference on each side; each rope shall be left uncovered by any other material and be continuous with no joints below the top step; two main ropes, properly secured to the vessel and not less than 65 mm in circumference, and a safety line shall be kept at hand ready for use if required.
6. Battens made of hardwood, or other material of equivalent properties, in one piece, free of knots and between 1,8 and 2 m long, shall be provided at such intervals as will prevent the boarding ladder from twisting. The lowest batten shall be on the fifth step from the bottom of the ladder and the interval between any batten and the next shall not exceed nine steps.
7. Means shall be provided to ensure safe and convenient passage for inspectors embarking on or disembarking from the vessel between the head of the boarding ladder or of any accommodation ladder or other appliance provided. Where such passage is by means of a gateway in the rails or bulwark, adequate handholds shall be provided. Where such passage is by means of a bulwark ladder, such ladder shall be securely attached to the bulwark rail or platform and two handhold stanchions shall be fitted at the point of boarding or leaving the vessel not less than 0,70 m or more than 0,80 m apart. Each stanchion shall be rigidly secured to the vessel's structure at or near its base and also at a higher point, shall be not less than 40 mm in diameter, and shall extend not less than 1,20 m above the top of the bulwark.
8. Lighting shall be provided at night so that both the boarding ladder overside and also the position where the inspector boards the vessel shall be adequately lit. A lifebuoy equipped with a self-igniting light shall be kept at hand ready for use. A heaving line shall be kept at hand ready for use if required.
9. Means shall be provided to enable the boarding ladder to be used on either side of the vessel. The inspector in charge may indicate which side he would like the boarding ladder to be positioned.
10. The rigging of the ladder and the embarkation and disembarkation of an inspector shall be supervised by a responsible officer of the vessel. The responsible officer shall be in radio contact with the bridge.
11. Where on any vessel constructional features such as rubbing bands would prevent the implementation of any of these provisions, special arrangements shall be made to ensure that inspectors are able to embark and disembark safely.

Annex 6. Annex XX (C) Product Form Codes
(STACTIC W.P. 07/19-proposal by Russia)

In order to harmonize the Product Form Codes with NEAFC Product Form Code, it is proposed to revise Annex XX (C) of the Conservation and Enforcement measures from:

Code	Product Form
A	Round - Frozen
B	Round - Frozen (Cooked)
C	Gutted Head on - Frozen
D	Gutted Head Off - Frozen
E	Gutted Head Off - Trimmed - Frozen
F	Skinless Fillets - Frozen
G	Skin on Fillets - Frozen
H	Salted Fish
I	Pickled Fish
J	Canned Products
K	Oil
L	Meal Produced from Round Fish
M	Meal Produced from Offal
N	Other (Specify)

to:

Code	Product Form
A	Round - Frozen
B	Round - Frozen (Cooked)
C	Gutted Head on - Frozen
D	Gutted Head Off - Frozen
E	Gutted Head Off - Trimmed - Frozen
F	Skinless Fillets - Bone in - Frozen
G	Skinless Fillets - Boneless - Frozen
H	Skin on Fillets - Bone in - Frozen
I	Skin on Fillets - Boneless - Frozen
J	Salted Fish
K	Pickled Fish
L	Canned Products
M	Oil
N	Meal Produced from Round Fish
O	Meal Produced from Offal
P	Other (Specify)

Annex 7. Annex XXI – Port Inspection Report
(STACTIC W.P. 07/14-proposal by EU)

Scope:

The present Annex XIII does not show in part **A.** and/or in part **B.** in any place, where the infringements or discrepancies found by the inspectors during the Port Inspection can be mentioned.

The EC, defending the principle of transparency, consider that when apparent infringements or discrepancies that have been found at sea and confirmed later during the port inspection or when new or different infringements have been found during the unloading operation the Port Inspection Report form shall indicate the final results concerning the violation of the NAFO CEM that are going to be used as support when the legal action and appropriated follow-up is going to be taken against the captain and or the owner of the vessel.

PROPOSAL:

B. INFORMATION TO BE INSERTED IN THE REPORT

1.
2.
3.

4. RESULTS OF INSPECTION ON DISCHARGE

4.1 General information

4.2 *Information on infringements*

a) Apparent Infringements found during inspections at sea and confirmed during the inspection in port.

Comments:

b) Apparent infringements found at sea and not possible to be confirmed during the inspection in port.

Comments:

c) New infringements found during the inspection in port

Comments