

NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO)



Meeting Proceedings of the General Council and Fisheries Commission for 2008/2009

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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 2009 (between 1 September 2008 and 31 August 2009). This follows a NAFO cycle of meetings starting with an Annual Meeting rather than by calendar year.

This present 2008/2009 issue is comprised of the following sections:

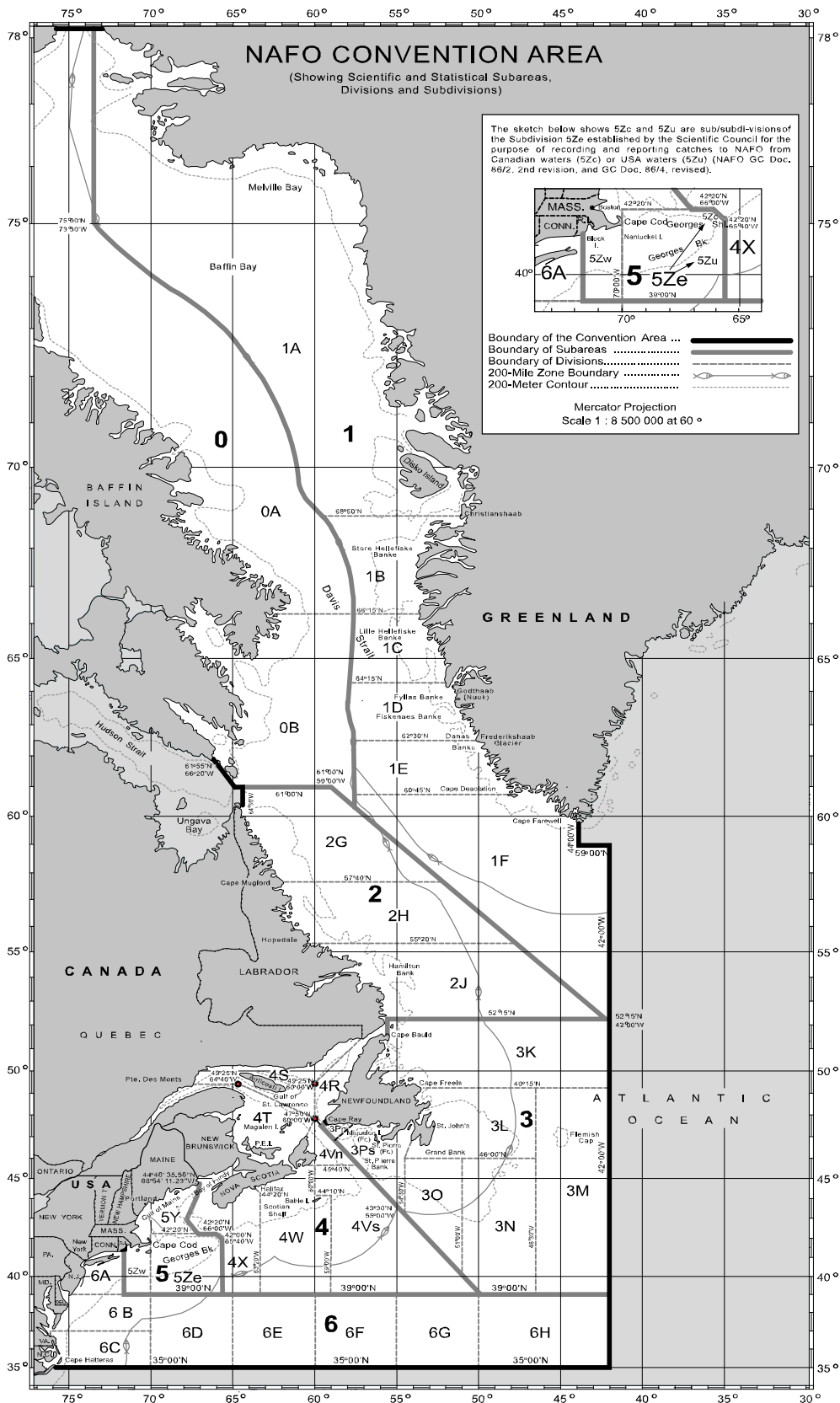
SECTION I contains the Report of the *ad hoc* Working Group of Fishery Managers and Scientists (WGFMS), 8-12 September 2008, Montreal, Quebec, Canada.

SECTION II contains the Report of the General Council including subsidiary bodies reports (STACFAD) 30th Annual Meeting, 22-26 September 2008, Vigo, Spain.

SECTION III contains the Report of the Fisheries Commission including subsidiary bodies reports (STACTIC), 30th Annual Meeting, 22-26 September 2008, Vigo, Spain.

SECTION IV contains the Report of the *ad hoc* Working Group of Fishery Managers and Scientists (WGFMS), 19-20 March 2009, Vigo, Spain.

SECTION V contains the Report of the Standing Committee on International Control (STACTIC), 5-7 May 2009, Saint Pierre, St. Pierre et Miquelon.



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**Structure of the Northwest Atlantic Fisheries Organization (NAFO)
(as at 15 July 2009)**

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

T. Lobach (Norway)

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> – T. Lobach (Norway) <i>Vice-Chair</i> – J. Spencer (EU)
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> – D. Power (Canada) <i>Vice-Chair</i> – R. Alpoim (EU-Portugal)
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 the Faroe Islands & Greenland)

Standing Committees

General Council	Standing Committee on Finance and Administration (STACFAD)	<i>Chair</i> – B. Steinbock (Canada) <i>Vice-Chair</i> – D. Warner-Kramer (USA)
Scientific Council	Standing Committee on Fishery Science (STACFIS) Standing Committee on Research and Coordination (STACREC) Standing Committee on Publications (STACPUB) Standing Committee on Fisheries Environment (STACFEN)	<i>Chair</i> – M. Kingsley (Denmark in respect of the Faroe Islands & Greenland) <i>Chair</i> – R. Alpoim (EU-Portugal) <i>Chair</i> – M. Stein (EU-Germany) <i>Chair</i> – vacant
Fisheries Commission	Standing Committee on International Control (STACTIC)	<i>Chair</i> – M. Nedergaard (Denmark in respect of the Faroe Islands & Greenland) <i>Vice-Chair</i> – Gene Martin (USA)

Secretariat

Executive Secretary	<i>vacant</i>
Interim Executive Secretary	Stan Goodick
Fisheries Commission Coordinator	Ricardo Federizon
Scientific Council Coordinator	Anthony Thompson
Senior Finance & 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
IT Manager	George Campanis
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SECTION I
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8-12 September 2008
Montreal, Canada**

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Report of the ad hoc Working Group of Fishery Managers and Scientists (WGFMS)

(FC Doc. 08/8)

**8-12 September 2008
Montreal, Canada**

1. Opening

The Executive Secretary opened the meeting at 9:30 a.m. on Monday, September 8, 2008 and welcomed delegates to Montreal (Annex 1).

2. Election of Chair and Vice-Chair

Bill Brodie (Canada) was elected by the delegates as Chair of the working group and he subsequently chaired the meeting. No vice-chair was elected at this time.

3. Appointment of Rapporteur

Ricardo Federizon (NAFO Secretariat) was appointed as the rapporteur.

4. Adoption of Agenda

The agenda previously circulated was adopted (Annex 2) with minor modification. Under item 8, "Other Matters" became "Recommendations and Observations". As the Chair pointed out, the Scientific Council (SC) had addressed the Vulnerable Marine Ecosystem (VME) Data Collection Protocol of the Fisheries Commission (FC) request for advice and referred the matter to this FC Working Group. It was agreed to include this topic for discussion under agenda item 7.

5. Risk Evaluation and Recommendations on Mitigation Strategies and Measures to Avoid Significant Adverse Impacts on Vulnerable Marine Ecosystems, drawing on Relevant International Information

Deliberation on this item began with the presentation by the SC Chair on the SC response to the FC request for scientific advice on the protection of vulnerable marine ecosystems (VMEs) made in September 2007 and in May 2008 (items 10 of FC Doc 07/21 and FC Doc 08/2). The SC Chair referred to the SC June Meeting report (pp. 30-42 of the SCS Doc 08/19) as well as the SC Working Group on Ecosystem Approach to Fisheries Management (WGEAFM) which met in May 2008 (SCS Doc 08/10). Details of the SC response are contained in these documents.

Drawing on the criteria given by FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (hereafter referred to as FAO guidelines) on the identification of VMEs, as well as the best scientific data available (e.g. observer data, research surveys), the SC identified eight areas within the NAFO Regulatory Area (NRA) as potential candidates for VMEs. The SC Chair noted that the VME boundaries identified so far are preliminary, based on broad-scale distribution information, and that high resolution habitat mapping would be required to identify VMEs boundaries with greater certainty. The SC Chair also clarified that the Scientific Council did not recommend closures for the candidate VMEs but that it left open what type of mitigation measures might be appropriate for VMEs within each of these areas.

The Working Group recommends that focus be placed first on adding precision to the current body of scientific information and mapping related to corals and seamounts and secondly, on information and mapping related to the sponges. The group recognized the need for capacity building and education of the fishing industry with respect to the identification of vulnerable species, especially corals. In this context, delegates were informed that a coral identification guide was in the process of being finalized (probably within the next 4 months).

Canada presented an update on the FAO guidelines that were finalized in substance in August 2008.

Canada introduced a discussion paper on risk assessment and mitigation measures to avoid significant adverse impacts on VMEs (FCWGWP 08/6 Revision 2). This paper adopts ideas from the FAO guidelines and describes a three-tiered assessment process as an initial approach based on existing information on fish species and habitat-forming species. The outcome of such a process functionally assigns impacts to one of three categories of low, moderate and high likelihood of impact, leading to the development of appropriate mitigation measures.

In the deliberation of this paper, it was realized that there is a lack of clarity as to the mandate of this working group in the development of risk assessment process and mitigation measures. Some delegates indicated that they did not have the authority to support adoption on behalf of their Contracting Parties.

It was **decided** that the FCWGWP 08/6 Revision 2 be forwarded to the Fisheries Commission with a note that further clarification is sought (Annex 3).

Another paper was introduced by Canada on preliminary risk evaluation on the candidate VMEs identified by the SC in its June 2008 Meeting (FCWGWP 08/7 Revision 1, Annex 4). This conceptual paper spurred some debate as to whether actual evaluation can actually be done considering the time constraints and the available scientific information on some of the candidate VMEs. Canada clarified that the purpose of this paper is to facilitate the prioritization of the VMEs for further assessment. As discussed above, the priority VMEs are those that involve corals and seamounts. It is recognized that starting the process of the risk evaluation is a fulfillment of the United Nations General Assembly (UNGA) Resolution and that this is a continuing work. Thus, any protocol and measures developed this year are considered preliminary and subject to refinement as more experience and scientific knowledge are gained.

6. Operational Procedures in 2008 in relation to Encounters of Vulnerable Marine Ecosystems

Initial discussions noted the need for improvement of ecosystem-related scientific data collections and the high costs that are associated with this. It was pointed out that the recent multi-disciplinary EU survey of the Hatton Bank was described as exemplary for an ecosystem-related research endeavour (see SCS Doc 08/19). It was also recognized that more experts on marine ecosystems should be included in the scientific delegations and that some Contracting Parties were in process of doing so. The EU suggested that the NAFO observer program be modified with a more scientific focus that would allow collection of data that are relevant to ecosystems. Russia presented information that its NAFO observers undergo training in collecting and processing biological data.

Regarding VME encounter protocols, Denmark (in respect of the Faroe Islands and Greenland) proposed to consider the current NAFO by-catch provision involving “move-away” as a starting point. It was also suggested to examine existing VME encounter protocols such as the one developed by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The USA explained that in a study published by International Union for Conservation of Nature (IUCN), encounter protocols specified various thresholds for coral catches in a haul, and this has been applied by one country in the Pacific. The USA also stressed that moving away upon encounter with a vulnerable ecosystem would be a mandatory requirement following both the current NAFO regulations (new Chapter I bis of Conservation and Enforcement Measures) as well as the FAO guidelines.

Norway pointed out that three different types of fishing areas could be defined, each of which would require a different protocol: (1) existing fishing areas, (2) new fishing areas, and (3) closed areas. Protocols were developed for existing and new fishing areas (FCWGWP 08/4 Revision 3), noting that requirements for new fishing areas are more stringent.

It is recognized that in the development of an encounter protocol, a “threshold” has to be established, e.g. a certain quantity of indicator species caught, and an “encounter” has to be defined.

With the consideration of the comments and concerns mentioned above, USA presented a draft proposal concerning VME encounters as a possible replacement of Article 5 of Chapter I-bis (FCWGWP 08/13). Further discussion is required to establish quantitative thresholds, and to refine the definition of encounter.

It was **agreed** that the (FCWGWP 08/4 Revision 3, Annex 5) be forwarded to the Fisheries Commission as a recommendation for adoption.

7. Review and Finalization of Exploratory Fishery Protocol for New Fishing Areas and the Development of Templates for Elements of the Protocol

The Working Group reviewed the Exploratory Fishery Protocol and developed templates for Harvesting Plan, Catch Monitoring Plan and Data Collection Plan as contained in FCWGWP 08/10-12 Revision 3 (Annex 6). This protocol is **forwarded** to the Fisheries Commission with the recommendation for adoption. It is noted that the templates address the VME Data Collection Protocol mentioned in item 4.

8. Recommendations and Observations

Recommendations by Ad Hoc Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems

1. The WG notes the extensive work of the Scientific Council at its 2008 meetings but also notes that additional precision related to the mapping of candidate VME is required in order to develop specific recommendations on vulnerable marine ecosystems. The WG recommends that focus be placed first on adding precision to the current body of scientific information and mapping related to corals and Seamounts and, secondly, on information and mapping related to sponges. In this regard, the WG recommends Fisheries Commission seek the following information from Scientific Council with a view to completing fishery impact assessments at the earliest possible date:
 - Provide, as soon as possible in 2008, delineations, if any, of significant concentrations of corals in the Regulatory Area by species for the identification of VMEs. This should include the size and catch characteristics of corals obtained respectively from commercial fishing vessels and fisheries research vessels and the assessment of significant adverse impacts, with a particular focus on those species which involve interactions with commercial fisheries. The data should include absence/presence of corals as well as density.
 - Provide, by June 30, 2009, delineations, if any, of significant concentrations of sponges in the Regulatory Area by species, including the size and catch characteristics of sponges obtained respectively from commercial fishing vessels and fisheries research vessels, with a particular focus on those species which involve interactions with commercial fisheries. The data should include absence/presence of sponges as well as density.
 - With respect to corals and sponges noted above in canyons, provide detailed information as soon as practicable or at least a report on progress by June 30, 2009, with a particular focus on those species which involve interactions with commercial fisheries.
2. Given the earlier Fisheries Commission decision to protect Seamounts and drawing attention to the Scientific Council report that identifies the existence of additional Seamounts (i.e. Fogo Seamounts), the WG recommends the extension of the current Seamount measures to these new Seamounts and the amendment of Article 14 of the NAFO Conservation and Enforcement Measures accordingly.
3. Given the terms of reference for the Ad Hoc Working Group and the role of Scientific Council related to Vulnerable Marine Ecosystems, the WG recommends that Fisheries Commission provide guidance related to an approach to risk assessment/mitigation measures to avoid significant adverse impacts on VME. And, in particular, the WG draws attention to a Canadian proposal that outlines a possible risk assessment process (FCWGWP 08/06 (Revision 2) that is available for further discussion. The WG also recommends that, depending on the outcome of Fisheries Commission deliberation on this subject, a coordinated schedule or work program should be developed to guide the work of Scientific Council and the Ad Hoc Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems.

4. To provide for coordinated, planned, and precautionary fisheries in new fishing areas conducted beyond the existing NAFO footprint, the WG recommends the adoption of the Exploratory Fishery Protocol and templates in FCWGWP 08/10-12 – Revision 3.
5. The WG concluded that, in general, the probability of significant adverse impact on vulnerable marine ecosystems is higher in new fishing areas rather than in existing fishing areas. Given this, the WG has produced an interim Encounter Provisions for Deep Sea Vulnerable Marine Ecosystems (FCWGWP 08/4 Revision 3) that outlines an encounter protocol for new fishing areas and existing fishing area for the consideration of Fisheries Commission. Additional discussion is required on several issues including the threshold weights for encounters, inclusion of sponges for 2009, and additional clarity on process.

Observations by Ad Hoc Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems

1. Based on information presented, the Working Group observes that high concentrations of corals were found by survey trawls in a few localized areas in the Regulatory Area within 4 of candidate VME areas identified by Scientific Council. And, based on a preliminary information presented related to catch of coral by commercial vessels in areas currently fished, the Working Group observes that there appears to be little interaction between species of corals and fishing activity in the Regulatory Area. This may reflect decades of sustained fishing.
2. With respect to the South East Shoal relative to capelin spawning during June/July, marine mammal feeding grounds and bivalve populations, the Working Group observes that there is not a high risk of significant adverse impact on the capelin spawning grounds. It was noted that there is no directed capelin fishery, seasonal and low fishing levels generally exist from the yellowtail and skate fisheries, the Canadian fishery for yellowtail has a closure during the summer season, and there is minimal interaction with cetacean populations. In addition, the habitat comprises a sandy, gravel bottom, with limited or no presence of coral or sponge concentrations, and limited bottom perturbation associated with the capelin spawning period.
3. Participants in the Working Group re-affirmed their strong commitment to implement the internationally agreed standards to protect VME from significant adverse impact, as identified under UNGA 61/105 and FAO guidelines. The WG understands that this will be an ongoing process and that the work in 2008 represents what can be done with the information and resources available. This work will continue beyond 2008 as information and experience expands.

9. Adoption of Report

The report was adopted by the Working Group immediately before adjournment.

10. Adjournment

The Chair thanked the participants from all Contracting Parties for their hard work over the course of the meeting, the SC Chair for his presentation and contributions, and the NAFO Secretariat for their usual excellent support at the meeting, including the work done by the Rapporteur. EU thanked the Chair for his work in chairing the session.

The meeting was adjourned at 11:00 a.m. on September 12, 2008

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening of the Meeting
2. Election of Chair and Vice-Chair
3. Appointment of Rapporteur
4. Adoption of Agenda
5. In examining the advice of Scientific Council to Fisheries Commission, evaluate risk and make recommendations on mitigation strategies and measures to avoid significant adverse impacts on vulnerable marine ecosystems, drawing on relevant international information¹
6. Develop operational procedures in 2008 in relation to encounters of vulnerable marine ecosystems to prevent significant adverse impacts
7. Review and finalize attached Exploratory Fishery Protocol for new fishing areas including the development of templates for elements of the protocol for adoption by the Fisheries Commission in 2008
8. Recommendations and Observations
9. Adoption of Report
10. Adjournment

¹ Including but not limited to the pending FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas

Annex 3. Risk Assessment/Mitigation Measures to avoid Significant Adverse Impacts on VME

General

UN Resolutions and FAO work outline requirements/processes for fishery assessments to determine the impact/risk that these fisheries may pose to vulnerable marine ecosystems.

Although all fisheries must be assessed, not all assessments have to be of the same intensity and detail. It may be possible to consider different levels of sophistication for assessment processes. A preliminary assessment of all available information conducted by NAFO can be used to help identify higher priority fisheries that may require further assessment, and lower priority fisheries that are less likely to require quantitative risk assessments.

The outcome of risk assessment processes functionally assigns impacts to one of three categories:

- Low - Likelihood of impact low, or impact likely to be ecologically non-serious.
- Moderate - Likelihood of serious impact not necessarily low, but mitigation measures available to manage the risks to keep them acceptable.
- High - Likelihood of serious impact not low and requirement for higher level mitigation.

Such a system would ensure compliance with all pertinent resolutions, explicitly showing due diligence in keeping the impacts of fishing sustainable and managing workload appropriately. This system, if adopted, should be applied consistently in all fisheries.

Once a fishery has been assessed, the assessment may be revisited periodically, but not annually. It should be revisited when there are major changes in the fishery, such that its impacts might have changed or major changes to an ecosystem such that vulnerability to fishing has developed.

Ecological Benchmarks for Evaluating Impacts

The decision to allow fishing to occur is based implicitly on the understanding that Contracting Parties are not expected to maintain the ecosystem in a pristine condition. Rather, Contracting Parties are expected to ensure that impacts are sustainable.

- Sustainability with regard to productivity of systems is associated with ability to recover from perturbations on biologically appropriate time schedules (life histories).
- Sustainability with regard to biological diversity is associated with keeping the risk of local extirpation of any species/population very low.
- Sustainability with regard to ecosystem resilience is associated with not reducing the connectivity among species in the ecosystem.
- Sustainability with regard to habitat is expressed through Productivity, Diversity and Resilience. Habitat is not being managed to maintain any particular configuration of rocks and benthos – it is managed to ensure it remains productive for native species, and so all the species can find adequate amounts of necessary habitat requirements.

Primary impacts of fishing on target and by-catch species will be assessed through assessing sustainability of *direct mortality* on the species. Indirect effects of fishing (effects mediated through altering abundance of a species' food supply or predation pressure) would only be assessed if a species was known to be vital prey species or a "controlling" predator.

Primary impacts of fishing on marine habitats will be assessed through evaluating the impacts of fishing on the *function* of the habitat, and not just its physical parameters. Documenting that an alteration of a habitat feature(s) is likely to occur is not synonymous with serious adverse impacts. Alterations must have noteworthy ecological consequences to represent serious adverse impacts.

Notwithstanding the point that the management objective for fisheries impacts is *not to* maintain pristine conditions, Fisheries Commission can choose to set aside parts of marine ecosystems for that purpose.

Implementation Issues Relative to Benchmarks

If an area is identified as unique, under VME criteria, the management challenge is to ensure that authorized fisheries will pose a low risk of altering the features that make it unique or that the alteration will not persist for more than very short periods of time.

If an area identified under any other VME criteria, then acceptable impacts relate to time to recovery from a fishery impact. For populations, recovery requires that there be a source to repopulate the area where the mortality occurred. If a source is available, recovery will be rapid and secure.

For habitat features that are the VME rationale for an area, re-colonization is only an option for those parts of habitat that are biological and mature in ~3-20 years (i.e. not coral). For biotic structural habitat features and very long lived biotic features, rapid and secure recovery does not apply.

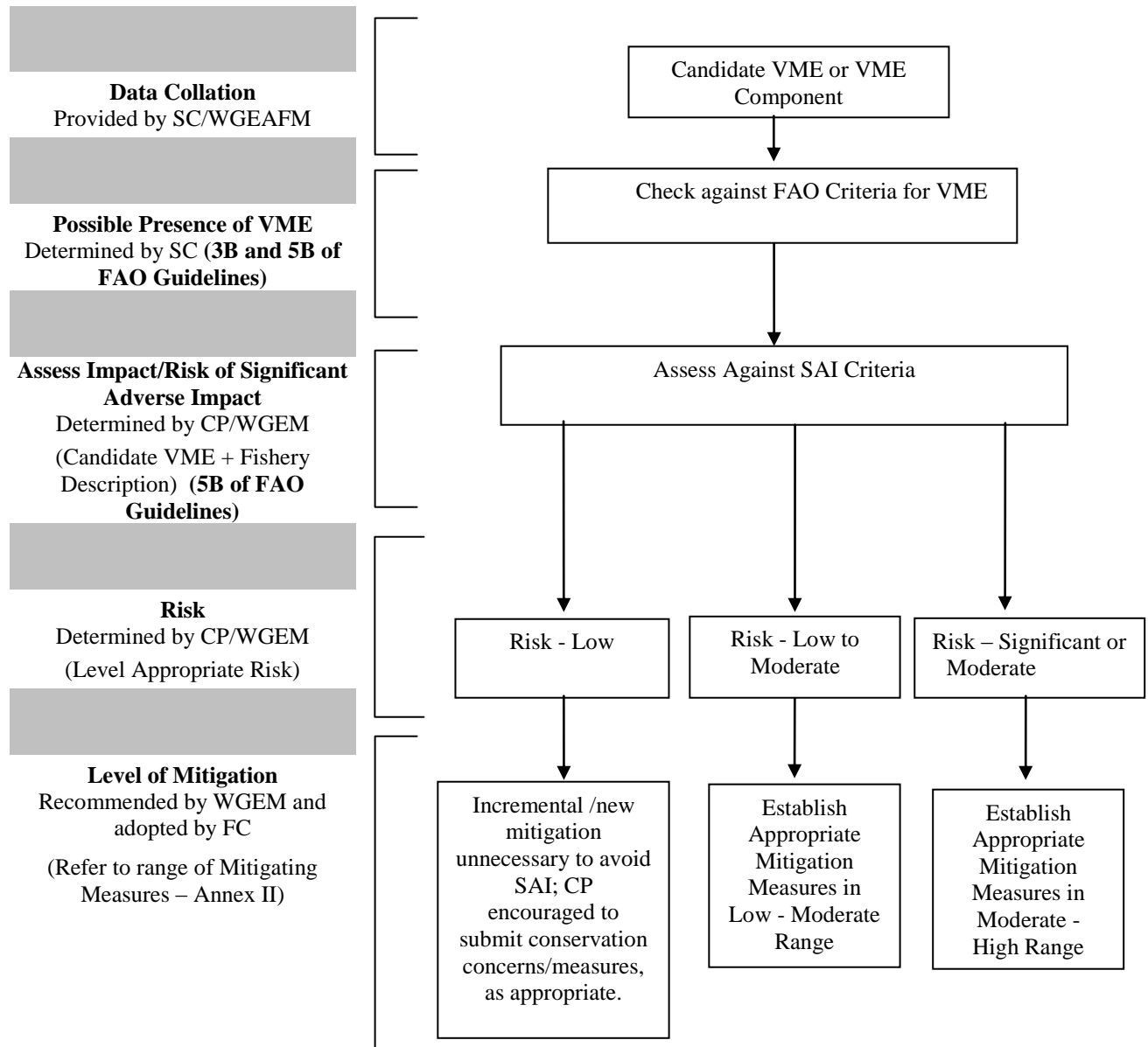
If the structural habitat feature is large/spread widely *and* has several species closely associated with the feature for some or all parts of their life histories, then it may be appropriate to conclude the habitat has functional significance to those species and substantial efforts should be made to mitigate alterations. Risk aversion increases as the association with a particular life history increases particularly if there is evidence that the habitat feature is saturated with the species and alteration of the habitat could decrease productivity of dependent species.

The history of fishing in an area can be relevant to the risk assessment. If an area has a history of fishing for decades, and over that period fishing recurred “often” relative to recovery times of the longer-lived species, then a preliminary risk assessment on available data may conclude that the community being impacted has adapted to regular fishing disturbance.

Concluding that an area meets one or more VME criteria does *not* equate to a conclusion that the area should close to fishing operations. It merely means that the area needs to be managed with risk aversion relative to the features that made it a VME. The best tools for delivering such risk aversion will vary widely with ecological features, the type of fishing, and the history of an area.

Ultimately, as noted in FAO guidelines, assessments can only occur on a case by case basis. The immediate focus of the WGEM should be on VME areas/component areas of highest risk.

Sustainable Use Risk Assessment Template for Commercial Fisheries in the NAFO Regulatory Area
(Illustrative only)



Sample Application

Candidate VME:

Southeast Shoal (VME 6) without adjacent shelf slope/canyons



Data Collation:

Completed by SC/WGEAFM – 2008

**Presence/Description of VME:
(Rationale)**

Unique spawning grounds for capelin, marine mammal feeding grounds, bivalve populations. Vulnerable fish species: spawning capelin.

**Risk of Significant Adverse Impact:
(Description of Fishery/Impacts)**

Fish - Capelin Spawning Area - June/July

- No directed capelin fishery
- Seasonal and low fishing levels generally from yellowtail and skate fisheries.
- Canadian yellowtail seasonal closure for 6 weeks during summer season

Marine Mammal Feeding Grounds

- Minimal interaction with cetacean populations

Bivalve population (mussels/softshell clam)

- Minimal interaction unless reef-forming; no evidence of reef formation

Habitat - Sandy, gravel bottom

- Limited or no presence of coral or sponge concentrations
- Limited bottom perturbation associated with capelin spawning period

Conclusion (SAI on VME):

Low Risk

Level of Mitigation:

Existing mitigation appropriate, no additional measures required

Determination of Candidate VME**3.B Vulnerable Marine Ecosystems**

14. Vulnerability is related to the likelihood that a population, community, or habitat will experience substantial alteration from short-term or chronic disturbance, and the likelihood that it would recover and in what time frame. These are, in turn, related to the characteristics of the ecosystems themselves, especially biological and structural aspects. VME features may be physically or functionally fragile. The most vulnerable ecosystems are those that are both easily disturbed and very slow to recover, or may never recover.

15. The vulnerabilities of populations, communities and habitats must be assessed relative to specific threats. Some features, particularly ones that are physically fragile or inherently rare, may be vulnerable to most forms of disturbance, but the vulnerability of some populations, communities and habitats, may vary greatly depending on the type of fishing gear used or the kind of disturbance experienced.

16. The **risks** to a marine ecosystem are determined by its vulnerability, the probability of a threat occurring and the mitigation means applied to the threat.

5.B Identifying Vulnerable Marine Ecosystems

42. A marine ecosystem should be classified as vulnerable based on the characteristics that it possesses. The following list of characteristics should be used as criteria in the identification of VMEs.

i. Uniqueness or rarity - an area or ecosystem that is unique or that contains rare species whose loss could not be compensated for by similar areas. These include:

- habitats that contain endemic species;
- habitats of rare, threatened or endangered species that occur only in discrete areas; or
- nurseries or discrete feeding, breeding, or spawning areas.

ii. Functional significance of the habitat – discrete areas or habitats that are necessary for the survival, function, spawning/reproduction or recovery of fish stocks, particular life-history stages (e.g. nursery grounds or rearing areas), or of rare, threatened or endangered marine species.

iii. Fragility – an ecosystem that is highly susceptible to degradation by anthropogenic activities.

iv. Life-history traits of component species that make recovery difficult – ecosystems that are characterized by populations or assemblages of species with one or more of the following characteristics:

- slow growth rates;
- late age of maturity;
- low or unpredictable recruitment; or
- long-lived.

v. Structural complexity – an ecosystem that is characterized by complex physical structures created by significant concentrations of biotic and abiotic features. In these ecosystems, ecological processes are usually highly dependent on these structured systems. Further, such ecosystems often have high diversity, which is dependent on the structuring organisms.

Examples of potentially vulnerable species groups, communities, and habitats, as well as features that potentially support them are contained in Annex 1.

Annex 1 - Examples of Potentially Vulnerable Species Groups, Communities, and Habitats, as well as Features that Potentially Support Them

The following examples of species groups, communities, habitats and features often display characteristics consistent with possible VMEs. Merely detecting the presence of an element itself is not sufficient to identify a VME. That identification should be made on a case-by-case basis through application of relevant provisions of these Guidelines, particularly Sections 3.A and 5.B.

Examples of species groups, communities and habitat forming species that are documented or considered sensitive and potentially vulnerable to deep-sea fisheries in the high-seas, and which many contribute to forming VMEs:

- i. certain coldwater corals e.g. reef builders and coral forest including: stony corals

- (scleractinia), alcyonaceans and gorgonians (octocorallia), black corals (antipatharia), and hydrocorals (stylasteridae);
- ii. some types of sponge dominated communities;
 - iii. communities composed of dense emergent fauna where large sessile protozoans (xenophyphores) and invertebrates (e.g. hydroids and bryozoans) form an important structural component of habitat; and
 - iv. seep and vent communities comprised of invertebrate and microbial species found nowhere else (i.e. endemic).

Examples of topographical, hydro-physical or geological features, including fragile geological structures, that potentially support the species groups or communities, referred to above:

- i. submerged edges and slopes (e.g. corals and sponges);
- ii. summits and flanks of seamounts, guyots, banks, knolls, and hills (e.g. corals, sponges, xenophyphores);
- iii. canyons and trenches (e.g. burrowed clay outcrops, corals);
- iv. hydrothermal vents (e.g. microbial communities and endemic invertebrates); and
- v. cold seeps (e.g. mud volcanoes for microbes, hard substrates for sessile invertebrates).

Assessing Significant Adverse Impact

43. These criteria should be adapted and additional criteria should be developed as experience and knowledge accumulate, or to address particular local or regional needs.
44. States and RFMO/As, and as appropriate FAO, should assemble and analyse relevant information on areas under the competence of such RFMO/As or where vessels under the jurisdiction of such States are engaged in DSFs or where new or expanded DSFs are contemplated, as a necessary step toward the identification of VMEs.
45. Where site-specific information is lacking, other information that is relevant to inferring the likely presence of vulnerable populations, communities and habitats should be used.
46. In designating an ecosystem as vulnerable, the decision should evaluate habitats and ecosystems against the criteria presented in paragraph 42, individually or in combination, using the best available scientific and technical information. Characteristics should be weighted according to their relative contribution to an ecosystem's vulnerability.

3.C Significant Adverse Impacts

17. Significant adverse impacts are those that compromise ecosystem integrity (i.e. ecosystem structure or function) in a manner that: (i) impairs the ability of affected populations to replace themselves; (ii) degrades the long-term natural productivity of habitats; or (iii) causes, on more than a temporary basis, significant loss of species richness, habitat or community types. Impacts should be evaluated individually, in combination and cumulatively.
18. When determining the scale and significance of an impact, the following six factors should be considered:
 - i. the intensity or severity of the impact at the specific site being affected;
 - ii. the spatial extent of the impact relative to the availability of the habitat type affected;
 - iii. the sensitivity/vulnerability of the ecosystem to the impact;
 - iv. the ability of an ecosystem to recover from harm, and the rate of such recovery;
 - v. the extent to which ecosystem functions may be altered by the impact; and
 - vi. the timing and duration of the impact relative to the period in which a species needs the habitat during one or more life-history stages.
19. Temporary impacts are those that are limited in duration and that allow the particular ecosystem to recover over an acceptable time frame. Such time frames should be decided on a case-by-case basis and should be in the order of 5-20 years, taking into account the specific features of the populations and ecosystems.

Assessment

47. Flag States and RFMO/As should conduct assessments to establish if deep-sea fishing activities are likely to produce significant adverse impacts in a given area. Such an impact assessment should address, *inter alia*:

- i. type(s) of fishing conducted or contemplated, including vessels and gear-types, fishing areas, target and potential by-catch species, fishing effort levels and duration of fishing (harvesting plan);
 - ii. best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;
 - iii. identification, description and mapping of VME known or likely to occur in the fishing area;
 - iv. data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;
 - v. identification, description and evaluation of the occurrence, scale and duration of likely impacts, including cumulative impacts of activities covered by the assessment on VME and low-productivity fishery resources in the fishing area;
 - vi. risk assessment of likely impacts by the fishing operations to determine which impacts are likely to be significant adverse impacts, particularly impacts on VME and low productivity fishery resources; and
 - vii. the proposed mitigation and management measures to be used to prevent significant adverse impacts on VME and ensure long-term conservation and sustainable utilization of low-productivity fishery resources, and the measures to be used to monitor effects of the fishing operations.
48. Risk assessments referred to in paragraph 47 (vi) above should take into account, as appropriate, differing conditions prevailing in areas where DSF are well established and in areas where DSF have not taken place or only occur occasionally.

Annex 3.2 – Illustrative List of Mitigating Measures

Measure	Vulnerable Species	Vulnerable Habitat
Low		
Enhance understanding of biology and life history of species	X	X
Promote the conservation and recovery of populations	X	X
Harmonize international/national regulation related to conservation	X	X
Monitoring and Reporting Requirements	X	X
Move away/catch avoidance based on %/weight/other factor	X	X
Moderate		
Releasing/returning live animal to ocean	X	
Move away/catch avoidance based on %/weight/other factor	X	X
Effort controls to limit total fishing days, particularly in new areas	X	X
Catch controls to limit total catch	X	X
Temporal Closure based on presence of animals	X	
Gear modification – use of measures to restrict ghost fisheries	X	X
High		
Gear modification – change gear type or modify mesh/hook size	X	X
Gear modification – reduction in bottom contact		X
Gear modification – by-catch reduction devices (grates)	X	
Temporal Closure based on presence of animals	X	
Spatial Closure based on presence of animals	X	X

Annex 4. Conceptual Overview of Preliminary Risk Evaluation Based on SC Report (June 2008) on Candidate VME (FCWGWP 08/7, Revision 1)

Preamble

There is a need to address information gaps and to prioritize work of the Ad Hoc Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems (WG on VME).

Fish species that may be present in candidate VME but their presence does not necessarily indicate a VME. Fish species are also present in other areas, and it is appropriate that any required management measures are evaluated for and applicable to the entire NRA.

International scientific work to categorize sensitive sponge species/fields is not complete, and there may be a resilience of many species to perturbation by fishing gear.

Categorization and data for sensitive corals is available, though analysis of this data is not yet complete. In the short term, the priority focus of the working group will therefore be on concentrations of sensitive corals located within the candidate VME as defined and refined by the Scientific Council.

Preliminary risk assessments of significant adverse impact (SAI) on sponges and corals will be re-evaluated based on information requested of the Science Council. An important objective of this work is to define specific boundaries of concentrations that clearly represent VME.

Additional information on sponges is expected to be available in 2009. The additional information on corals should be available in the Fall of 2008, enabling the working group to re-evaluate risk of SAI and to consider recommending potential mitigation measures for the 2009 fishery. The risk evaluation on corals and sponges will consider their continuing presence in the candidate VME notwithstanding many years of fishing activity in these areas.

1. Flemish Cap East

SC Rationale: Large Gorgonians and high density of sponges 500-1500m

Preliminary Risk Evaluation of SAI: [TBD – see Canadian paper on Risk Assessment]

Recommended Action: (1) SC to provide additional information and greater definition on and location of concentrations of large gorgonians and sensitive and vulnerable sponge species, individual species resilience to perturbation, recovery expectations, definition and location of sponge fields, etc. (2) WG on VME to re-evaluate risk and consider requirement for further mitigation measures based on information from the SC on large gorgonian corals in 2008 and on sponges in 2009.

2. Northern Flemish Cap

SC Rationale: Area of high density of pennatulaceans, alcyonaceans and antipatharians and to a lesser extent, solitary scleractinians and small gorgonians 500-1000m

Preliminary Risk Evaluation of SAI: [TBD – see Canadian paper on Risk Assessment]

Recommended Action: (1) SC to provide additional information and greater definition on and localized concentrations of each of these species, individual species resilience to perturbation, and recovery expectations. (2) WG on VME to re-evaluate risk and consider requirement for further mitigation measures based on information received from SC in future.

3. Sackville Spur

SC Rationale: High density of sponges 1000-1500m

Preliminary Risk Evaluation of SAI: [TBD – see Canadian paper on Risk Assessment]

Recommended Interim Action: (1) SC to provide additional information and greater definition on and location of concentrations of sensitive and vulnerable species, individual species resilience to perturbation, recovery expectations, definition and location of sponge fields, etc. (2) WG on VME to re-evaluate risk and consider requirement for further mitigation measures based on information received from SC in future.

4. Southern Flemish Pass to Eastern Canyons

SC Rationale: Large gorgonians and large survey catches of sponges 500-1500m

Preliminary Risk Evaluation of SAI: [TBD – see Canadian paper on Risk Assessment]

Recommended Action: (1) SC to provide additional information and greater definition on and location of concentrations of sensitive and vulnerable species, individual species resilience to perturbation, recovery expectations, definition and location of sponge fields, etc. (2) WG on VME to re-evaluate risk and consider requirement for further mitigation measures based on information received from SC on large gorgonians in 2008 and on sponges in 2009.

5. Beothuk Knoll

SC Rationale: Abundant gorgonian corals; large survey catches of sponges 500-3000m

Preliminary Risk Evaluation of SAI: [TBD – see Canadian paper on Risk Assessment]

Recommended Action: (1) SC to provide additional information and greater definition on and location of concentrations of sensitive and vulnerable species, individual species resilience to perturbation, recovery expectations, definition and location of sponge fields, etc. (2) WG on VME to re-evaluate risk and consider requirement for further mitigation measures based on information received from SC on gorgonian corals in 2008 and on sponges in 2009.

6a. South East Shoal

SC Rationale: Unique capelin spawning grounds, marine mammal feeding grounds, long-lived and relict bivalve populations.

Preliminary Risk Evaluation of SAI: low risk due to low fishing activity during capelin spawning season

Recommended Action: (1) continuation of existing moratorium on directed capelin fishing (2) consideration of capping all fishing effort on defined capelin spawning grounds during June-July capelin spawning period.

6b. South East Shoal - Adjacent Shelf Edge/Canyons

SC Rationale: Records of corals in canyons.

Preliminary Risk Evaluation of SAI: [TBD – see Canadian paper on Risk Assessment]

Recommended Action: (1) for individual canyons, the SC to provide additional information and greater definition on and localized concentrations of sensitive and vulnerable species, individual species resilience to perturbation, recovery expectations, definition and location of sponge fields, etc. (2) WG on VME to re-evaluate risk and consider requirement for further mitigation measures based on information received from SC in future.

7. Division 3O Coral Closure Area

SC Rationale: Existing coral closures, based on coral concentrations, high by-catch of pennatulaceans and solitary scleractinian corals 200-1500m

Preliminary Risk Evaluation of SAI: - low to moderate based on existence of large closed area and apparent resilience to fishing gear or existing voluntary contact avoidance measures in the open area.

Recommended Action: (1) Existing closure to be reviewed by FC in 2010 based on advice from the SC, and consideration of future management measures.

8. Seamounts and other Knolls

SC Rationale: Mega-habitatsall above 2000m

Preliminary Risk Evaluation of SAI: moderate to high

Recommended Action: (1) extension of NAFO existing closure/exploratory fishing protocols to the following areas: x, y, z.

Annex 5. Norwegian Proposal for Operational Procedures in Existing and New Fishing Areas

Explanatory Memorandum

In May 2008 the Fisheries Commission of NAFO decided to initiate mapping of 'existing fishing areas' with the ambition to provide comprehensive maps by the end of the year. Once that mapping exercise has been completed, the NRA can be divided into three sub-areas:

- 1) Existing fishing areas
- 2) Unfished areas that are potential 'New fishing areas'.
- 3) Closed areas (e.g. coral closure, closed seamounts)

Since fishing activities are prohibited for 3), the proposed measures to deal with encounters with VME's concerns 1) and 2).

In line with the FAO guidelines and the UNGA resolution, appropriate and practical regulations and fishing procedures have to be implemented for each of these areas. The protocols for each type of area should reflect the level of knowledge of each type of area and the associated risk of significant adverse impacts on VMEs. It must be assumed that the uncertainty and therefore risk increases from 1) to 2).

A protocol for exploration in 'new fishing areas' was established by the Commission in May 2008 and would be reviewed by the WG (article 5 of chapter I bis). This proposed protocol does not include procedures for what actions should be taken when encountering VMEs.

In addition to 100% observer coverage and detailed reporting, a move away requirement when encountering VME indicators above an agreed threshold quantity has to be included. In addition, the WG proposes that the Contracting Parties are required to implement temporary closures following encounters of VME indicators exceeding the agreed threshold.

The WG considers that the threshold definition as an interim measure pending further evaluation by the Scientific Council. It is proposed however, that this interim definition is to be applied in 2009.

Proposal

Against this background, it is proposed that Article 5 in Chapter 1 bis is replaced by the following:

Contracting Parties shall require that vessels flying their flag and conducting bottom fishing activities within the Regulatory Area abide by the following rules, where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered:

- 1) **Existing fishing areas**
 - a) Vessels shall quantify catch of primary indicators of VMEs, i.e. coral [and sponge].
 - b) if the quantity of VME indicators caught in a fishing operation (such as trawl tow or set of a gillnet or longline) is beyond the threshold defined in paragraph 3 below, the following shall apply:
 - The vessel master shall report the incident to the flag state, which without delay shall forward the information to the Executive Secretary. Contracting Parties may if they so wish require their vessels to also report the incident directly to the Executive Secretary. The Executive Secretary shall archive the information and report it to all Contracting Parties. The Contracting Parties shall immediately alert all fishing vessels flying their flag.
 - The vessel shall cease fishing and move away at least 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. The captain shall use his best judgement based on all available sources of information.
 - The Executive Secretary shall make an annual report on encounters in existing fishing areas to the Scientific Council. The scientific Council shall evaluate the information and provide advice to the Fisheries Commission on whether a VME exists [and if so possible mitigation measures]. The advice shall be based on annually updated assessments of the accumulated

information on encounters and the Scientific Council's advice on the need for action, using FAO guidelines as a basis. The Fisheries Commission shall consider the advice in accordance with Article 4, paragraph 5.

2) **Unfished areas that are defined as 'New fishing areas'**

- a) Vessels shall quantify catch of primary indicators of VMEs, i.e. coral [and sponge]. Observers deployed shall identify corals, [sponges] and other organisms to the lowest possible taxonomical level. The sampling protocol found in Annex x shall be used (templates).
 - b) If the quantity of VME indicators caught in a fishing operation (such as trawl tow or set of a gillnet or longline) is beyond the threshold defined in paragraph 3 below, the following shall apply:
 - The vessel master shall report the incident without delay to its flag state, which shall forward the information to the Executive Secretary. Contracting Parties may if they so wish require their vessels to also report the incident directly to the Executive Secretary. The Executive Secretary shall archive the information and without delay transmit it to all Contracting Parties. The Contracting Parties shall issue an immediate alert to all vessels flying their flag.
 - The Executive Secretary shall at the same time request Contracting Parties to implement a temporary closure of a square representing 4X4 nautical miles around the reporting position. The reporting position is that provided by the vessel, either the endpoint of the tow/set or another position that the evidence suggests is closest to the exact encounter location.
 - The Scientific Council at its next meeting shall examine the temporary closure. If the Scientific Council advises that the area consists of a Vulnerable marine ecosystem and [recommends] a closure of the proposed area, the Executive Secretary shall request Contracting Parties to maintain the temporary closure until such time that the Fisheries Commission has acted upon the advice from the Scientific Council in accordance with Article 4, paragraph 5 in chapter 1 bis. If the Scientific Council does not conclude that the proposed area is a VME, the Executive Secretary shall inform Contracting Parties which may re-open the area to their vessels.
 - The vessel shall cease fishing and move away at least 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. The captain shall use his best judgement based on all available sources of information.
 - The Executive Secretary shall make an annual report on archived reports from encounters in *new fishing areas* to the Scientific Council. This report shall also include reports from the exploratory fishing activities that were conducted in the last year. The Scientific Council shall evaluate the information and provide advice to the Fisheries Commission on the appropriateness of temporary closures and other measures. The advice should be based on annually updated assessments of the accumulated information on encounters as well as other scientific information. The Scientific Council's advice should reflect provisions outlined in the FAO guidelines. The Fisheries Commission shall consider the advice in accordance with Article 4, paragraph 5.
- 3) For both existing and new fishing areas, an encounter of VME indicators is defined as a *catch per set (e.g. trawl tow, longline set, or gillnet set) of more than [50] kg of coral [and/or 200kg of sponge]*.

**Annex 6. Exploratory Protocol for New Fishing Areas and Proposed Templates
for the Exploratory Protocol for New Fishing Areas where fishing gear
is likely to contact the seafloor (FCWGWP 08/10-12, Revision 3)**

Exploratory Protocol for New Fishing Areas

The Exploratory Fishery Protocol for New Fishing Areas shall include:

- A harvesting plan which outlines target species, dates and areas. Area and effort restrictions should be considered to ensure fisheries occur on a gradual basis in a limited geographical area.
- A mitigation plan including measures to prevent significant adverse impact to vulnerable marine ecosystems that may be encountered during the fishery.
- A catch monitoring plan that includes recording/reporting of all species caught, 100% satellite tracking and 100% observer coverage. The recording/reporting of catch should be sufficiently detailed to conduct an assessment of activity, if required.
- A data collection plan to facilitate the identification of vulnerable marine ecosystems/species in area fished.

Exploratory fisheries shall not commence until this information has been provided to the Executive Secretary and forwarded to all Contracting Parties and the Scientific Council for information.

Proposed templates for the exploratory protocol for new fishing areas where fishing gear is likely to contact the seafloor

I. CONTRACTING PARTY SUBMITS NOTICE OF INTENT TO UNDERTAKE EXPLORATORY FISHING TO THE NAFO SECRETARIAT

HARVESTING PLAN	MITIGATION PLAN	CATCH MONITORING PLAN	DATA COLLECTION PLAN
<ul style="list-style-type: none"> TARGET SPECIES 	<p>MEASURES TO PREVENT SIGNIFICANT ADVERSE IMPACTS TO VMEs</p>	<p>IDENTIFY AND RECORD ALL SPECIES BROUGHT ONBOARD TO THE LOWEST POSSIBLE TAXONOMIC LEVEL</p>	<p>DATA WILL BE COLLECTED AND REPORTED IN A STANDARDIZED FORMAT</p>
<ul style="list-style-type: none"> FISHING DATES 		<p>100% SATELLITE COVERAGE</p>	
<ul style="list-style-type: none"> DESCRIPTION OF AREA TO BE FISHED 		<p>100% OBSERVER COVERAGE</p>	
<ul style="list-style-type: none"> ANTICIPATED EFFORT 			
<ul style="list-style-type: none"> BOTTOM FISHING GEAR-TYPE(S) USED 			

II. CONTRACTING PARTY SUBMITS TRIP REPORT TO THE NAFO SECRETARIAT

PROPOSED DRAFT TEMPLATE FOR THE EXPLORATORY FISHERY PROTOCOL FOR NEW FISHING AREAS WHERE FISHING GEAR IS LIKELY TO CONTACT THE SEAFLOOR

ADVANCED NOTICE OF INTENT TO UNDERTAKE EXPLORATORY FISHING¹

NAME OF VESSEL:

FLAG STATE OF VESSEL:

ANTICIPATED LOCATION(S) OF EXPLORATORY FISHING ACTIVITIES (INCLUDE LAT/LONG):

ANTICIPATED DATES OF EXPLORATORY FISHING ACTIVITIES:

HAS ANY PREVIOUS FISHING BEEN UNDERTAKEN IN ADJACENT AREAS (IF SO, IDENTIFY INFORMATION SOURCE):

DEPTHS EXPECTED TO BE ENCOUNTERED DURING EXPLORATORY FISHING ACTIVITIES:

DO HABITAT MAPS OF THE AREA EXIST (IF SO, PLEASE IDENTIFY SOURCE(S)):

ARE TAXONOMIC KEYS IDENTIFYING POTENTIALLY VULNERABLE SPECIES AVAILABLE (IF SO, IDENTIFY SOURCE(S)):

KNOWN VULNERABLE MARINE ECOSYSTEMS (VMEs)² IN THE LOCATION(S) TO BE FISHED:

MITIGATION MEASURES TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VMEs, IF ENCOUNTERED:

DO BATHYMETRIC MAPS OF THE EXPLORATORY AREA EXIST (IF SO, PLEASE IDENTIFY SOURCE(S)):

DOES ANY FISHERIES SCIENTIFIC INFORMATION IN THE EXPLORATORY AREA EXIST (IF SO, IDENTIFY SOURCE(S)):

TARGET SPECIES BEING SOUGHT:

WHAT GEAR TYPE(S) ARE BEING PROPOSED TO BE USED (PLEASE IDENTIFY) IN WHAT AREAS (INCLUDE LAT/LONG):

¹ EXPLORATORY FISHING IS DEFINED AS ALL BOTTOM FISHING ACTIVITIES IN NEW AREAS OR WITH BOTTOM GEAR NOT PREVIOUSLY USED IN THE AREA CONCERNED AND NOT IDENTIFIED IN ARTICLE 2 OF NEW CHAPTER I BIS (SEE NAFO/FC DOC. 08/3)

² REFER TO FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

PROPOSED DRAFT TEMPLATE FOR THE EXPLORATORY FISHERY PROTOCOL FOR NEW FISHING AREAS WHERE THE FISHING GEAR IS LIKELY TO CONTACT THE SEAFLOOR

CONTRACTING PARTY EXPLORATORY FISHING¹ TRIP REPORT SUBMITTED TO THE NAFO SCIENTIFIC COUNCIL

NAME OF VESSEL:

FLAG STATE OF VESSEL:

LOCATION(S) OF AREAS FISHED (INCLUDE LAT/LONG):

DATES OF FISHING ACTIVITIES:

DEPTHS ENCOUNTERED DURING FISHING (LIST FOR EACH HAUL INCLUDING LAT/LONG):

TOTAL HOURS/AREA FISHED (LIST FOR EACH HAUL INCLUDING LAT/LONG):

GEAR TYPE(S) USED (PLEASE IDENTIFY) IN WHAT AREAS (INCLUDE LAT/LONG):

VULNERABLE MARINE ECOSYSTEMS (VMEs)² ENCOUNTERED (LIST FOR EACH HAUL INCLUDING LAT/LONG):

MITIGATION MEASURES TAKEN TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VMEs IF ENCOUNTERED:

LIST OF ALL ORGANISMS (RETAINED, BYCATCH) BROUGHT ONBOARD (IDENTIFIED TO THE LOWEST TAXONOMIC UNIT):

LIST OF POTENTIAL VULNERABLE INDICATOR SPECIES³ BROUGHT ONBOARD BY LOCATION (INCLUDE LAT/LONG):

LIST OF ORGANISMS RETAINED FOR BIOLOGICAL SAMPLING (E.G., LENGTH-WEIGHT, SEX, AGE), IF ANY:

¹ EXPLORATORY FISHING IS DEFINED AS ALL BOTTOM FISHING ACTIVITIES IN NEW AREAS OR WITH BOTTOM GEAR NOT PREVIOUSLY USED IN THE AREA CONCERNED AND NOT IDENTIFIED IN ARTICLE 2 OF NEW CHAPTER I BIS (SEE NAFO/FC DOC. 08/3)

² REFER TO FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

³ REFER TO ANNEX 1 FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

NOTE: DATA REPORTING SHOULD FOLLOW A STANDARDIZED SPECIFICATION, FOR EXAMPLE, AS ADOPTED BY SCIENTIFIC OBSERVER PROGRAMS.

SECTION II
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(STACFAD), 30th Annual Meeting
22-26 September 2008
Vigo, Spain**

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PART I

Report of the General Council

(GC Doc. 08/4)

30th Annual Meeting, September 22-22, 2008 Vigo, Spain

I. Opening Procedure (*Agenda items 1-7*)

1. Opening by the Chair

The NAFO President, Terje Lobach (Norway) opened the meeting and thanked the host, Spain, for providing a splendid venue. Delegates from all Contracting Parties were present. (Annex 1)

The following representatives of the Spanish and Galician authorities addressed the NAFO Delegates: Ms Elena Espinosa Mangana (Ministra de Medio Ambiente, Medio Rural y Marino), Ms Carmen Gallego Calvar (Conseilleira de Pesac e Asuntos Marítimos), Mr Abel Caballero Álvarez (Alcalde Concello de Vigo), and Mr Jesús Paz Aria (Presidente Autoridad Portuaria de Vigo).

The NAFO President directed an opening statement to the meeting (Annex 2), followed by statements by the European Union, Canada, Japan, Denmark (in respect of the Faroe Islands and Greenland), Cuba, the United States of America, Russian Federation, Norway, Ukraine, Food and Agriculture Organization of the United Nations (FAO), World Wildlife Fund (WWF), and Ecology Action Centre. (Annexes 3-11)

2. Appointment of Rapporteur

The Executive Secretary, Johanne Fischer, was appointed as Rapporteur.

3. Adoption of Agenda

The agenda was adopted (Annex 12).

4. Election of Vice-Chair

Mr. John Spencer (EU) was elected Vice-Chair.

5. Admission of Observers

The Executive Secretary had invited the following intergovernmental organizations to attend the Meeting in an observer capacity: FAO, CCAMLR, CPPS, ICCAT, ICES, NAMMCO, NASCO, NEAFC, NPAFC, PICES and SEAFO. Of these, FAO was represented by Hiromoto Watanabe, NAMMCO by Iceland, NEAFC by Denmark (in respect of the Faroe Islands and Greenland), CCAMLR and SEAFO by the EU. Furthermore, the following NGOs had been granted observer status at this meeting: Ecology Action Centre (Susanna Fuller) and the World Wildlife Fund-Canada (Robert Rangely and Marty King).

6. Publicity

The meeting agreed that no public statements be made until after the conclusion of the meeting. A Press Release was electronically distributed to the press.

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

No new items were included in the STACFAD agenda for this meeting.

II. Supervision and Coordination of the Organizational, Administrative and other Internal Affairs (Agenda items 8-12)

8. Review of Membership

The Chair reported that twelve Contracting Parties form the membership of the General Council and the Fisheries Commission: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), the European Union, France (with respect to St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine, and the United States of America.

9. French version of the amended NAFO Convention

Canada tabled GC WP 08/2 explaining that the French version had been elaborated in close cooperation with France (with respect to St. Pierre et Miquelon). The proposed French version of the amended NAFO Convention was adopted (Annex 13).

10. Possible early implementation of structural and procedural changes arising from the amended NAFO Convention

Canada introduced GC WP 08/5 that represented a joint proposal with the European Union. It explained that while the amended Convention could not be implemented before ratification, in the interim a resolution could provide for guidance with regard to NAFO's commitment to modern fishery management approaches as reflected in the amended Convention. Norway thanked both Canada and the EU for developing this resolution with which it concurred and suggested to introduce a new item at the end with the following text: "*(h) adopt measures to prevent, deter and eliminate IUU fishing activities*". Iceland welcomed the resolution including the Norwegian suggestion. The USA embraced the resolution and the Norwegian amendment, but cautioned that it would not regard this as a provisional application of the amended NAFO Convention. Denmark (in respect of the Faroe Islands and Greenland) also supported the resolution and the Norwegian amendment and suggested three minor editorial corrections. With this, GC WP 08/5 was adopted (Annex 14).

11. Request by the Scientific Council for modification of the boundaries of Divisions 3M and 3L

The Chair of the Scientific Council, Don Power (Canada), introduced this item (GC WP 08/3) and clarified that the distribution of many deepwater stocks on the Flemish Cap (Division 3M) extends to a small area that is currently included under Division 3L. For stock assessment purposes it would be important to redefine this small area as 3M, a recommendation that the Scientific Council had already made 2 years ago. Canada requested that discussion of this item be postponed as it required additional time to fully understand the implications on catch reporting. The meeting agreed to defer this matter to the Annual Meeting in 2009.

12. Administrative Report

The Executive Secretary presented the Administrative Report (GC Doc 08/1). She pointed out that the symposia organized by the Scientific Council in conjunction to the Annual Meeting as well as the NAFO Journal of Fishery Science in the Northwest Atlantic were important factors in promoting the reputation of NAFO among the scientific community. She emphasized the need for improvement to ensure timely and complete submission of catch statistics in the NAFO Convention Area. She also reported that recurrent delays and failures regarding payment of financial contributions are threatening the efficiency and continuity of services provided by the Secretariat to the Organization.

III. Coordination of External Affairs (*Agenda items 13-15*)

13. Report of Executive Secretary on External Meetings

Since the last Annual Meeting, the Executive Secretary was involved in the following external activities: She served as chair of several meetings, i.e. the FAO Workshop on Knowledge and Data on Deep-Sea Fisheries in the High Seas, the Inter-sessional Meeting of the Coordinating Working Party on Fishery Statistics (CWP), and the Steering Committee of the Fishery Resources Monitoring System (FIRMS). She also attended the Informal Consultations of States Parties to the United Nations Fish Stocks Agreement, the international seminar “Towards a new governance of high seas biodiversity” by the Institute for Sustainable Development and International Relations (IDDRI) in Monaco, and a FAO Meeting on “Integrated Capture Information System (ICIS) Requirements Gathering”. Furthermore, she served as a panel member in round table discussions of the International Ocean Institute (IOI) Ocean Governance Training Program at Dalhousie University in Halifax.

Other members of the Secretariat attended the following: The IT Manager (George Campanis) attended the 2007 meeting of the Advisory Committee for Data Communications (ACDC of NEAFC). The Information Manager (Barb Marshall) and the Office Manager (Lisa Pelzmann) presented a poster at the FSRS (Fishermen and Scientists Research Society) annual meeting in 2008. Barb Marshall and George Campanis also participated in the FIRMS Technical Working Group. The Scientific Council Coordinator (Anthony Thompson), attended a UN Biodiversity WG and, in his capacity as General Editor of the NAFO Journal, the Aquatic Sciences and Fisheries Abstracts (ASFA) Meeting. The Senior Finance and Staff Administrator (Stan Goodick) took part in the International Fisheries Commissions Pension Society Meeting.

The NAFO observer to NAMMCO, Odd Gunnar Skagestad (Norway), circulated his report from the NAMMCO 2008 Annual Meeting. The meeting requested an agenda item on international relations to be included in the agenda for the next GC meeting, allowing for appointment of observers and their reports from other meetings, as well as general discussion of NAFO’s cooperation with other relevant organizations.

14. FAO Draft International Guidelines for the Management of Deep-Sea Fisheries in the High Seas

During the last two years, FAO has developed guidelines to assist States and RFMOs in implementing the UNGA Resolution 61/105 chapter 10, concerning responsible fisheries in the marine ecosystem. These guidelines contain standards and criteria for identifying vulnerable marine ecosystems in areas beyond national jurisdiction and identifying the potential impacts of fishing activities on such ecosystems. Many NAFO Contracting Parties had contributed to the process and the Executive Secretary was actively involved in the drafting process as well (see meetings under item 13 above). The Chair pointed out that NAFO had drawn comprehensively on the FAO draft guidelines in various meetings of fishery managers and scientists throughout the year as well as the adopted guidelines at this Annual Meeting when developing the measures to address vulnerable marine ecosystems, exploratory fishing protocols for new fishing areas, determination of existing bottom fishing areas (footprint) and protocols for encounters with vulnerable marine ecosystems.

15. IOC of UNESCO request for a response by NAFO regarding the future of the IOC

In April 2008, the Secretariat had received a letter from International Oceanographic Commission (IOC) asking for feedback regarding the future role and objectives of IOC. This was circulated to all Contracting Parties but did not generate any responses and was therefore deferred to this Annual Meeting. Delegates pointed out that NAFO did not have any formal or working relations with the IOC at this time and it was felt that NAFO could thus not provide useful recommendations to the IOC regarding its future role. The Executive Secretary was asked to write a letter to the IOC to communicate these views.

IV. Finance (Agenda items 16-17)

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

The STACFAD Chair, Bob Steinbock (Canada) presented the STACFAD Report (for complete Report see Part II of this GC Report). He informed the meeting that Deirdre Warner-Kramer (USA) was elected Vice-Chair of the Committee. He also conveyed that STACFAD urged Contracting Parties to ensure compliance with the requirement to submit catch reports in a timely, complete and accurate manner. Furthermore, he noted that the financial crisis continued with outstanding financial contributions from five Contracting Parties amounting to \$436,019.

17. STACFAD made the following recommendations to General at this meeting:

1. That the Secretariat immediately begin the tendering process for a new auditing firm and select a new auditor to begin work in 2009.
2. That the NAFO Financial Regulations Rule 7.10 be amended to reflect the requirement of changing the auditors at regular intervals of three years.
3. That the 2007 Auditors' Report be adopted.
4. The adoption of an amendment of the NAFO Financial Regulations as follows in italics that should prevent adjustment of financial contributions after the billings are issued: "*4.6.bis. If a Contracting Party has not submitted its nominal catches according to the stipulations in the NAFO Convention Article XVI.3 by the required date, the most recent catch report available from that Contracting Party will be used for the calculation of contributions that are then considered final for that financial year. Subsequent reporting of applicable catches by the Contracting Party will be applied towards the calculation of contributions for the following financial year.*"
5. That Contracting Parties concerned are strongly urged to take immediate action to meet their financial obligations and bring financial stability to the Organization.
6. That the outstanding contribution from Ukraine (\$31,623) for the year 2007 be deemed uncollectible at the end of the current fiscal year if payment is not received by 31 December 2008 and that this amount is applied against the accumulated surplus. This procedure does not remove Ukraine's financial obligation for the 2007 contribution.
7. That,
 - a. The minimum balance for the accumulated surplus account should continue at the level of 20% of the total budget of 2009 to address non-payment of contributions.
 - b. The President of NAFO should write letters on behalf of the Organization to those Contracting Parties that are in arrears to express serious concerns and request prompt payment. Similar letter or demarches could also be sent from individual Contracting Parties.
 - c. Furthermore, if the Contracting Parties in arrears cannot make a firm commitment to honor these arrears promptly, they should provide the Executive Secretary with a finance plan for repayment of the major outstanding amounts that will be circulated to Contracting Parties.
 - d. NAFO should establish a contingency fund in 2009 for the purpose of covering emergency and unforeseen situations, other than nonpayment of annual contributions, provided that all current major outstanding contributions are paid by that time. The details of the operation of the contingency fund would be decided at the 2009 Annual Meeting.
8. That the Staff Rule 8.6 (e) be amended as follows: "*An installation allowance of up to two months net salary in the case of relocating internationally recruited members of the Secretariat*"
9. The adoption of an amendment to Staff Rule 6.13 pertaining to maternity and parental leave to reflect the allowance in the Canadian government.
10. Regarding consideration of a NAFO Headquarters Agreement, that Contracting Parties consult intersessionally by electronic means on the documentation to be provided by the Executive Secretary (including STACFAD WP 07/3) with a view of developing, by the end of the 2009 Annual Meeting, a text for further consideration leading to future negotiations with Canada.
11. That NAFO adopt the revised rules to provide for permanent accreditation for approved observers and that information on the current NGO observers is updated every five years.

12. That the IFCPS (International Fisheries Commissions Pension Society) be requested to review the current assumptions to take into account the increased possibility of early retirement when considering future assessments.
13. That the budget for 2009 of \$ 1,618,000 be adopted.
14. That the process for recruitment for an Executive Secretary be adopted at the 2009 Annual Meeting.
15. That General Council appoint the three nominees for the Staff Committee: Bill Brodie (Canada), Deirdre Warner-Kramer (USA) and Bob Steinbock (Canada).
16. That the dates of the 2011 Annual Meeting (to be held in Halifax, NS, Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council	-	19 - 28 September 2011
General Council	-	19 - 23 September 2011
Fisheries Commission	-	19 - 23 September 2011

The European Union stated that while it welcomed the new rules for NGO observers, it would like to propose the following amendment in view of occurrences during this meeting: "9.12.c. *Make documents available only after they have been considered by the Executive Secretary in consultation with the Chairs of General Council and Fisheries Commission.*" Denmark (in respect of the Faroe Islands and Greenland) shared the concerns voiced by the European Union with regard to disclosing insights and opinions gained during the meeting outside the confines of NAFO meetings but did not agree with the proposal made by the European Union. Alternatively, the Delegate of DFG suggested not allowing distribution of documents presented by NGO observers through the Secretariat (pigeon-holes) and instead making available a "General Information Table" for such materials. Denmark (in respect of the Faroe Islands and Greenland) proposed to defer the amendments to the current Rules of Procedures for Observers to the next Annual Meeting in 2009. This was supported by Canada and the United States of America. On account of the interventions made, the European Union withdrew its proposal and the meeting agreed to revisit this item in 2009.

Following STACFAD recommendation 5, General Council urged all Contracting Parties that had not yet paid their contribution to take immediate action to meet their financial obligations and bring financial stability to the Organization. Denmark (in respect of the Faroe Islands and Greenland) said that its contribution was on its way. France (in respect of St. Pierre et Miquelon) and Cuba stated their intentions of submitting their respective contributions by the end of the year.

General Council adopted all recommendations made by STACFAD with the exception of the revised Rules of Observers (recommendation 11).

V. Closing Procedure (Agenda items 18-21)

18. Time and Place of the Next Annual Meeting

Norway extended an invitation to NAFO to host the Annual Meeting 2009 in Bergen, Norway. This was accepted with great pleasure. The meeting dates in 2009 are:

Scientific Council	-	21-25 September 2009
General Council	-	21-25 September 2009
Fisheries Commission	-	21-25 September 2009

19. Other Business

Canada introduced GC Working Paper 08/6 asking that the General Council request the Executive Secretary to provide all relevant information with respect to vulnerable marine ecosystems (VMEs) in the Northwest Atlantic to the Convention on Biological Diversity (CBD) by July 2009. A number of parties expressed reservations to single out one organization with regard to cooperation on VMEs. It was emphasized that NAFO was happy to cooperate with all interested intergovernmental organizations on matters of joint concern and that all relevant documents by NAFO were public and accessible through the NAFO website. Canada noted these interventions and withdrew its proposal.

20. Press Release

It was agreed that the Executive Secretary and the NAFO President finalize the Press Release from this meeting (Annex 15) and present it to the press. The Chairs of Fisheries Commission and Scientific Council were also invited to give their input for inclusion in the Press Release.

21. Adjournment

The meeting was adjourned on Friday, 26 September 2008 at 14:00 hours.

Annex 1. List of Participants

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**Annex 2. Opening Statement by the Chair of the General Council
(Terje Lobach, Norway)**

Distinguished minister Elena Espinosa, conselleira Carmen Gallego Calvar, major of Vigo, representatives of maritime authorities, delegates, ladies and gentlemen,

It is an honour and a pleasure for me to welcome you all to this NAFO Annual Meeting in beautiful Vigo, the heart of the Spanish industry. I wish thank the hosts for providing us with this splendid facilities, which I understand has been arranged particular for this meeting.

Last year, NAFO agreed to amend its convention, taking into account modern principles for fisheries management. NAFO parties worked hard and efficient in order to make this happen within a rather short time period. Parties have, however, not received notification of the amended Convention from the Depositary in order to allow them to initiate the ratification process due to problems with the French version. The Depositary, the Secretariat and myself agreed after the annual meeting last year to a speedy process for completing the adopting of the equivalent amendments to the French language portions of the Convention. After the business was finalised it turned out that the formal adoption of the French version have to be put on the agenda for this annual meeting. Consequently we have to come back to the amended Convention this year, but this should now be an easy task given the deliberations that took place in the intersessional period.

Despite considerable efforts taken by NAFO in recent years, many stocks continue to be at low levels. Significant progress has been made in improved conservation measures and actions taken to ensure that these measures are implemented and complied with. NAFO has also recognized the need for a good and strong science base as fundamental for proper management of marine living resources.

Protection of ocean habitats and deep sea biodiversity has become an important item on the international agenda. I am pleased to note that the extraordinary meeting of the Fisheries Commission that took place in Montreal in May adopted a comprehensive framework in response to the calls from the UN General Assembly to address bottom fishing and vulnerable marine ecosystems. Although NAFO now has a set of regulations in place, there are still much to be done, both in the Scientific Council and in the Fisheries Commission, but the WG on Fisheries Managers and Scientists that met two weeks ago has done an excellent job concerning identifications of vulnerable marine ecosystems and to define the obligations on masters on board fishing vessels. This annual meeting has to decide on the proposals by the WG.

In recent years the importance of coordinated port State measures has been recognised by the international community. There have been several calls on States individually and collectively to adopt all necessary port State measures and promoting minimum standards at the regional level, and in parallel initiate a process within FAO to develop a legally binding instrument on minimum standards for port State measures. FAO is now working on the global, binding agreement, and within NAFO work has been progressing for the establishment of a comprehensive regional system of port State measures, which will continue at this Annual Meeting.

Close cooperation and collaboration are essential to achieving our common goals of stock recovery, conservation and sustainable use of marine living resources as well as protection of vulnerable marine ecosystems. I am confident that together we will manage to meet these challenges.

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

Thank you Chair and good morning to you all.

First of all, I want to underline what a pleasure it is for us to be here in Vigo in the heartland of our NAFO fisheries along with our neighbors in Portugal to the south and it is a pleasure for me to once again head the European Union delegation to this meeting. We would applaud the Spanish authorities and particularly our friends in Galicia for the excellent facilities they have put at our disposal.

In terms of our work this week there are a number of key issues that NAFO has to address and they're key both to the visibility of NAFO as an international regional fisheries Organization but also key to its success and its ability to execute and carry out its mandate.

The first priority in our view is the issue of Greenland halibut. We are now into the fourth year - we've completed the fourth year of the rebuilding plan. We know that it was always going to be a long haul, this rebuilding plan, but it is a rebuilding plan over a 15 year period and when one sees the scientific report one can see the massive reduction in fishing effort that has occurred in the last number of years.

In many respects we are in a learning process in relation to rebuilding plans and it is clear from the scientific report that there are a number of issues that need to be clarified in terms of the science in order for us to reach an effective decision on this stock during the course of the week. We have had unfortunately a number of key stocks under moratoria in recent years but it is encouraging to see based on the scientific report that certain stocks are now showing signs of recovery and indeed it is even suggested by the Scientific Council that certain of those fisheries could be reopened. We consider however that reopening of these fisheries risks being premature and could endanger the recovery of the stocks and we would caution against taking any precipitous actions on those stocks. We would also caution against increases in TACs for stocks which would have an impact on other fish stocks currently under moratoria thereby retarding the opening of those fisheries on commercial grounds so what we are basically advocating is a prudent approach to the stock situation and not to take a glimmer of hope and a glimmer of recovery as being a stock that is ready for a commercial fishery.

In relation to the vulnerable marine ecosystems, this Organization has taken a lead on that matter in recent years and we would hope that it would build on the experience gained to-date. NAFO Fisheries Commission agreed on a comprehensive approach at the special meeting in May and it is now important that we follow the process and put in place measures that are both realistic, implementable and understandable to the sector. Such measures have to be based on up-to-date information and not information gathered 20 years ago, or 10 years ago. We obviously need to identify what constitutes a VME and what action needs to be taken in terms of an encounter with a VME but as I said the measures must be practical to the fishing sector and they must be able to be monitored by this Commission in their implementation.

Finally Chair we have the issue of reform. We are encouraged by the process to date in NAFO and we look forward to the speedy implementation of the Lisbon Convention. We would trust that Parties around the table could agree on the provisional application of certain of the provisions of the amended Convention and in particular in relation to the structure and functioning of the Fisheries Commission and the link with the General Council.

So, finally Chair we look forward to working with all Parties around the table with a view to continuing the good work that we have carried out over the last number of years in making NAFO a more effective RFMO.

Annex 4. Opening Statement by the Representative of Canada

Mr. Chairman, Distinguished delegates, Ladies and Gentlemen:

I wish to thank the European Union and the Spanish authorities for hosting this annual meeting and for the excellent arrangements in this beautiful port city of Vigo.

NAFO has been on course in moving from words to action in reforming and transforming this Organization. In 2006, we strengthened the enforcement provisions of the NAFO Measures and began negotiations to modernize the 1979 Convention. That year, we also closed four seamount areas as a first step in protecting Vulnerable Marine Ecosystems. At the 2007 annual meeting, NAFO adopted amendments to the NAFO Convention which was a significant reflection of progress.

Advancing NAFO reform continues to be a major priority for Canada. This week, I expect that the French version of the amendments will be adopted in order that we can begin the next step in terms of domestic ratification by each Contracting Party.

The protection of VMEs is part of NAFO's greater objective of implementing the ecosystem approach which is an imperative given the interdependent reality of our oceans. The Fisheries Commission held a successful intersessional meeting on VMEs which set out an agreed framework for moving forward. The consultations on the FAO Deep Sea Guidelines were successfully concluded in August providing guidance to the ad hoc Working Group on VMEs in implementing the process adopted in Montreal. This is relatively new territory for all of us and each Party will need to work on developing the necessary capacity on VMEs to ensure that this work can progress.

The June Scientific Council report indicated that some of the NAFO managed stocks are recovering. This is great news. However, we must be careful not to lose sight of our ultimate goal of conserving the stocks for future generations and follow the precautionary approach in setting TACs and management measures. Stock rebuilding remains our continuing priority and we have to enhance our efforts to ensure that those stocks that are in danger have a chance to recover.

I am confident that NAFO will demonstrate to the international community its continued effectiveness and relevance in undertaking its responsibilities to conserve and manage fisheries in a sustainable way for generations to come.

Thank you.

Annex 5. Opening Statement by the Representative of Japan

Mr. Chairman, distinguished delegates and observers.

As you correctly said, Mr. Chairman, we have a heavy agenda ahead of us. The rebuilding program for Greenland Halibut in sub-area 2 and Division 3KLMNO is, among other issue, of the topmost importance to Japan. However, given the fact that our position on this particular issue has been presented a number of times by Japanese delegation in previous occasions and in light of the time constraints, I would like to refrain from repeating our position at this point and limit myself to express my thanks to the Government of Spain for hosting the annual meeting of NAFO in this beautiful city of Vigo.

We look forward, as always, to a productive dialogue with other delegations for the successful outcomes.

Thank you.

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

The Faroe Islands and Greenland are pleased to be attending the 30th Annual Meeting of NAFO. We would like to express our sincere thanks to the EU and the Governments of Spain and Galicia and the local authorities of Vigo for hosting us here in the beautiful city and port of Vigo. This is without a doubt one of the most appropriate locations for a NAFO meeting on this side of the North Atlantic, given the huge importance that fisheries have for this region of Europe.

NAFO has had a very busy - and in our view - very constructive round of meetings since we last convened in the General Council, with both the inter-sessional meeting of the Fisheries Commission in Montreal in April/May, the STACTIC meeting which Greenland hosted in July, and the recent meeting of the ad hoc Working Group of scientists and managers in Montreal just 2 weeks ago.

We are pleased with the progress we have made to design and implement measures to prevent damaging effects of bottom fisheries on vulnerable marine ecosystems. Progress in the NAFO context has so far also been a useful basis for similar efforts within NEAFC in the Northeast Atlantic. The fine-tuning of these measures in both organisations needs to continue in a way that is appropriate in detail and scale for the fisheries and ecosystems in their respective areas. And we need to recognise that a lot more scientific data is still needed in order to better define the risks and thresholds. We are also pleased that agreement has been reached within FAO recently on technical guidelines for the management of deep sea fisheries on the high sea. This is an important global framework for our regional implementation of commitments under the 2006 UNGA resolution.

Although we did not reach consensus on shrimp issues – neither 3L nor 3M – at the extraordinary meeting this year, our delegation feels that we did make progress and that we do indeed have a basis for continuing a dialogue. We must try to build further on this and make an effort to bridge the gaps, now that we can see more clearly what they are.

There are some encouraging signs that some stocks currently under moratorium in the NAFO Regulatory Area may be slowly increasing. We need to move forward with caution - but as a fisheries management organisation we do need to move forward. We need to explore in greater detail the options for new or resumed sustainable fisheries, noting the need to be prudent in this regard. With a sound scientific basis and adequate management and control measures in place, we cannot afford not to make the best use of all our valuable marine resources.

On this note, Mr Chairman I would also like to say that our delegation welcomes the forthcoming NAFO/ICES Symposium on the role of marine mammals in the marine ecosystem in the 21st century, and we welcome the fact that NAMMCO has been directly involved as a co-sponsor of this important event. The value of marine mammals in the North Atlantic as abundant and renewable natural resources, and their role as major predators of commercially important fish stocks, are factors that no responsible fisheries manager should ignore.

We look forward to working with all other delegations here this week in Vigo to help make this a constructive and productive 30th annual meeting.

Thank you Mr. Chairman.

Annex 7. Opening Statement by the Representative of Cuba

Good morning to all the delegations present at this 30th Annual Meeting.

The Cuban delegation wants to thank the authorities of the European Union and specifically the authorities of Spain for giving us the opportunity to be in this beautiful city of Vigo.

We are looking forward to a constructive meeting and we know that there is a lot of work ahead us.

In five days we are going to discuss matters such as the implementation of the amended Convention, the situation of Vulnerable Marine Ecosystems, deep see fisheries and general matters concerning the work of the Organization and its international commitments.

We hope this will be another opportunity to work constructively for a better understanding among the parties and to strengthen the very basis of the Organization which is to optimise the utilization of the resources through sustainable fisheries.

Thank you.

Annex 8. Opening Statement by the Representative of the United States

Mr. Chairman, distinguished delegates, observers, ladies and gentlemen:

The United States is pleased to join our colleagues once again, this time here in beautiful Vigo, Spain for the 30th NAFO Annual Meeting. Once again, we meet in a city rich in maritime and fisheries history, and we thank our hosts for this venue and the arrangements they have made for us.

There are a number of issues that are of keen interest to the United States for the upcoming meeting. Reflecting the increases in the biomass of Yellowtail Flounder, the United States urges NAFO to undertake a fair and equitable process for allocating the quota for this resource, especially for this stock which is so far above its limit reference point. Regarding Greenland halibut, it is our hope that NAFO will set one or more TACs under the rebuilding plan that ensure conservation and management measures are consistent with the scientific advice for this stock. The United States is also committed to the adoption by NAFO of measures consistent with the United Nations General Assembly Fisheries Resolution relating to bottom fishing and vulnerable marine ecosystems. We are working with other NAFO Parties to develop such language and look forward to discussions of this issue at the annual meeting. Last year, we withdrew a proposal on porbeagle sharks in deference to a comment that ICCAT should or would take up the matter. We note that ICCAT has committed to undertake a stock assessment in 2009 but has not taken any other actions. Additionally, the Fisheries Commission must enact conservation and management measures for skates, as well as other stocks in addition to those I have mentioned. Finally, NAFO has recognized bycatch as a problem that needs to be managed, but the endeavor to do so has not been perfect. We encourage NAFO to strive for improvement as it continues in its commitment to proper bycatch management.

We are looking forward to the 2008 NAFO Annual Meeting and a productive dialogue on these and many other issues in the coming week.

Thank you Mr. Chairman.

**Annex 9. FAO Statement to the 30th Annual Meeting of the Northwest Atlantic
Fisheries Organization (NAFO)
22 September 2008, Vigo, Spain**

Hiromoto Watanabe
Fishery Liaison Officer
FAO Fisheries and Aquaculture Department

FAO is very grateful for the invitation extended by the Secretariat of the Northwest Atlantic Fisheries Organization (NAFO), to observe its Thirtieth Annual Meeting held in this beautiful city of Vigo. FAO also wishes to express its gratitude for the warm hospitality provided by the Spanish authorities. FAO has been keeping a close and effective working relationship with NAFO and desires to continue such collaboration.

Regional Fisheries Management Organizations (RFMOs) play a unique role in facilitating international cooperation for the conservation and management of fish stocks. RFMOs represent the only realistic means of governing fish stocks that occur either as straddling or shared stocks between zones of national jurisdiction or between these zones and the high seas, or exclusively on the high seas. Therefore, to strengthen RFMOs in order to conserve and manage fish stocks more effectively remains the major challenge facing international fisheries governance. The Twenty-seventh Session of the FAO Committee on Fisheries (COFI 27) held in March 2007 in Rome discussed this matter, as a stand-alone Agenda item for the first time in the history of COFI. Many Members requested that FAO continue supporting RFMOs and continue its work on issues of concern such as overcapacity, improvement of fleet statistics and the issues of countries and vessels that undermine the effectiveness of RFMOs. Immediately after the session of COFI, the First Meeting of Regional Fishery Body Secretariats Network (RSN 1) was also held in Rome and reconfirmed the global perception that Regional Fishery Bodies (RFBs) have a significant role to play in implementing the Code of Conduct for Responsible Fisheries

One of the decisions made during COFI 27 is that FAO should convene meetings to prepare technical guidelines including standards for the management of deep-sea fisheries in the high seas. An Expert Consultation on International Guidelines for the Management of Deepwater High Seas Bottom Fisheries was held in Bangkok, Thailand, from 11 to 14 September 2007, in order to review the first draft of the guidelines prepared by the FAO Secretariat based on the discussion made during a more technical Expert Consultation on Deep-sea Fisheries in the High Seas held in November 2006. The draft guidelines were then discussed in the two sessions of a Technical Consultation on the International Guidelines for the Management of Deep-sea Fisheries in the High Seas at FAO Headquarters, Rome, Italy, 4-8 February 2008 and 25-29 August 2008, and International Guidelines have been agreed upon on 29 August 2008. This new international instrument is the first of its kind in terms of integrating fisheries management and conservation requirements. The Guidelines call upon FAO to undertake a number of tasks. FAO is coordinating closely with relevant partners in organizing the support required to undertake these follow up activities.

Many distinguished delegates will be also aware that COFI, acknowledging the urgent need for a comprehensive suite of port State measures, agreed to proceed with the development of a legally-binding agreement on port State measures based on the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing and the 2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing. An FAO Expert Consultation to Draft a Legally-binding Instrument on Port State Measures was held in Washington D.C., USA, from 4 to 8 September 2007 and elaborated a draft Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing. This document formed the basis of negotiations at a Technical Consultation on Port State Measures held in Rome from 23 to 27 June 2008. The process is ongoing. A resumed session of the Technical Consultation is scheduled to be held in Rome from 26 to 30 January 2009, where the outcome of an Informal Open-ended Technical Meeting to Review the Annexes of the Draft Legally-Binding Instrument on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, 25-27 November 2008 will also be reviewed. The forthcoming Twenty-eighth Session of COFI (COFI 28) in March 2009 will be informed about progress with the development of the binding instrument.

I would also like to report that an Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels was held in Rome from 25 to 28 February 2008. The Expert Consultation strongly endorsed the need for a Global Record of Fishing Vessels and that development should be progressed with urgency. As a result of the recommendations made by the Expert Consultation, a series of interim activities is underway to further consider a variety of technical issues and to promote and raise international and stakeholder awareness about the Record, and to refine its institutional development. The report of the Expert Consultation and the outcome of the interim activities will be presented to COFI 28.

Finally, I also wish to touch upon the High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy held in Rome from 3 to 5 June 2008. While the main focus was soaring food prices and food security, it was also the first opportunity for FAO to address the issue on climate changes and fisheries substantially. FAO organized an Expert Workshop on Climate Change Implications for Fisheries and Aquaculture from 7 to 9 April 2008 and presented a technical background document for the Conference. This could be interpreted as “a scoping study” to identify the key issues on climate change as endorsed by COFI 27. It is expected that any potential follow-up action is to be discussed during COFI 28.

NAFO is one of the world’s leading RFMOs, having a long history and much experience in the sustainable management of fisheries in the Northwest Atlantic Ocean. In particular, its proactive and precautionary approach to protect vulnerable marine ecosystems is highly appreciated. FAO also highly recognizes the Organization as one of the RFMOs that initiated the reforming process at the earliest stage in order to strengthen its function and performance. Therefore, it is highly expected that NAFO will continue playing a significant role in regional action to secure sustainable and more responsible fisheries management. We are now in the mid of preparation for COFI 28 and the Second Meeting of the Regional Fishery Body Secretariats Network (RSN 2), both scheduled to be held in March 2009, and expect active participation of NAFO in those meetings as it has done so far.

In conclusion, I would like to convey to the meeting greetings from FAO’s Assistant Director-General for Fisheries and Aquaculture, Mr Ichiro Nomura. He wishes the meeting every success in its deliberations.

Annex 10. Opening Remarks from WWF at the 30th NAFO Annual Meeting

September 22, 2008

WWF would like to thank Spain, the city of Vigo and NAFO – including the General Council, Fisheries Commission, Scientific Council, and Secretariat – for welcoming us at its 30th Annual Meeting. WWF is here because we are concerned about the status of several NAFO-managed stocks and about the overall degradation of the Northwest Atlantic ecosystem. We are eager to work with NAFO to restore ecosystem health, rebuild stocks, and ensure fisheries are sustainable. WWF's conservation measures of success for this year focus on **minimizing cod bycatch** on the southern Grand Bank and **protecting vulnerable marine ecosystems**, such as coldwater coral forests or sponge reefs, from the impacts of bottom fishing.

Southern Grand Banks cod recovery

NAFO took an important step last year by adopting a southern Grand Bank Cod Recovery Strategy that includes a 40% bycatch reduction target for 2008. If this target is not met, the recovery plan calls for the adoption of more stringent bycatch reduction in 2009. At this meeting, NAFO will make decisions on total allowable catches (TACs) for several fisheries that have significant cod bycatch. Increasing the TACs for these fisheries will lead to increases in cod bycatch so we urge you to apply the precautionary approach when making these decisions. With a strong 2005 year class showing up in the surveys, 2009 could be a make or break year for this population. This pulse of young fish must be given a chance to reach maturity and reproduce if the population is going to recover.

VME Protection

WWF recognizes the important steps NAFO has taken toward implementing the 2006 United Nations General Assembly (UNGA) Resolution on Sustainable Fisheries (61/105), which calls on RFMOs such as NAFO, to assess the impacts of bottom fishing and protect VMEs by December 31, 2008. Interim measures were put in place to protect portions of seamounts and coral areas; a regulatory framework for implementing the UNGA Resolution was adopted in Montreal back in May; and the Scientific Council has mapped VMEs in the NRA based on the best available data. With a strong policy in place and areas mapped that are known or likely to contain VMEs, NAFO is now poised to implement meaningful *on the water* protection in 2008. NAFO must ensure that effective protection for VMEs is in place by January 1, 2009.

Addressing cod recovery and coral protection will require specific changes on the water that would represent significant progress towards rebuilding depleted stocks, implementing the ecosystem approach, and meeting international obligations, such as the UNGA Resolution. Finally, we would like to invite everyone to our reception tomorrow evening beginning at 6:30pm at the Hotel NH Palacio – where we will outline our global fisheries program and our conservation expectations for this meeting.

Annex 11. Ecology Action Centre (EAC) Opening Statement
NAFO 2008 Annual Meeting, September 22-26, Vigo, Spain

Mister Chairman, Delegations of Contracting Parties, Fellow Observers:

It is an honour to attend the NAFO Annual meeting for the second year in a row as an observer. NAFOs increasing commitment to transparency is an important part of modernization. Thank you. It is also a pleasure to be in this historical fishing port, of Vigo, where it is clear that much preparation has gone into this meeting.

As has been noted by many of you already during this opening session, one of the primary conservation concerns remains the protection of marine ecosystems from the impacts of bottom fishing. NAFO has made good progress over the past six months towards the implementation of the UNGA Resolution 61/105, through the Scientific Committee Ecosystem Working Group, and from the report of the ad hoc Working Group of Fisheries Managers and Scientists, it is clear that there is a commitment to a process for protecting vulnerable marine ecosystems within the NRA.

A significant amount of information is already known about where VMEs are known or likely to occur, from corals, sponges, seamounts, canyons and other unique marine areas. Despite the decades of fishing with bottom tending gear, there remain areas, even in historically fished areas that, if protected, will provide for restoration of species that have been damaged over time. For new fishing areas, we urge a precautionary approach, limits to all fishing activity including exploratory fishing, until such time as there is a collaborative research program in place that includes non-destructive research methods.

In addition to the work that NAFO has done to date on habitat based VMEs, we also support the proposal put forward last year by the US delegation to prohibit the bycatch of porbeagle shark in NAFO regulated fisheries. Reports to the NAFO Scientific Council suggest that this population can rebuild, but only if fishing mortality is kept at very low levels, and even with those levels, recovery is projected to be in the range of decades.

NAFO's progress in terms of meaningful measures on the water will set the stage for the North Atlantic. It is no easy challenge, given the timelines set by the UNGA and NAFO itself, as well as responsibilities of the Organization for restoring depleted commercial fisheries, reducing bycatch of moratoria species, monitoring and enforcement, and data collection as well as the timelines set forth in the UNGA Resolution and by NAFO itself. However, it is a very important challenge that if met with success, will fundamentally change the face of NAFO and chart the path for ecosystem recovery. Recovery of both the fish populations and the habitat required to sustain them will help.

Thank you.

Susanna Fuller
Marine Conservation Director, Ecology Action Centre

Annex 12. Agenda

I. Opening Procedure

1. Opening by the Chair, Terje Lobach (Norway)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Election of Vice-Chair
5. Admission of Observers
6. Publicity
7. Guidance to STACFAD necessary for them to complete their work (Monday)

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

8. Review of Membership of the General Council and Fisheries Commission
9. French translation of the amended NAFO Convention (Proposal by Canada)
10. Possible early implementation of structural and procedural changes arising from the amended Convention
11. Request by the Scientific Council for modification of the boundaries of Divisions 3M and 3L
12. Administration Report

III. Coordination of External Affairs

13. Report of Executive Secretary on external meetings
14. FAO Draft International Guidelines for the Management of Deep-Sea Fisheries in the High Seas
15. IOC of UNESCO request for a response by NAFO regarding the future of the IOC

IV. Finance

16. Report of STACFAD at the Annual Meeting
17. Adoption of the Budget and STACFAD recommendations for 2009

V. Closing Procedure

18. Time and Place of Next Annual Meeting
19. Other Business
20. Press Release
21. Adjournment

**Annex 13. Proposal to amend the NAFO Convention
(GC W.P. 08/2 - ADOPTED - now GC Doc. 08/2)**

Canada, 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 Spain 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

In September 2007, the Contracting Parties to NAFO adopted amendments to the English portions of the *Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries* by consensus of the NAFO General Council. This proposal concerns the adoption of the equivalent amendments to the French language portions of the *Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries*.

Proposal to amend the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries

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 sur la coopération dans les pêches de l'Atlantique du Nord-Ouest"

Article 2

The Preamble of the Convention shall be deleted and replaced by the following new

Preamble:

"Les PARTIES CONTRACTANTES,

NOTANT que les États côtiers de l'Atlantique du Nord-Ouest ont établi des zones économiques exclusives conformes avec la Convention des Nations Unies sur le droit de la mer du 10 décembre 1982 et avec le droit international coutumier, dans lesquelles ils exercent des droits souverains aux fins de l'exploration, de l'exploitation, de la conservation et de la gestion des ressources biologiques;

RAPPELANT les dispositions pertinentes de la Convention des Nations Unies sur le droit de la mer du 10 décembre 1982, de l'Accord aux fins de l'application des dispositions de la Convention des Nations Unies sur le droit de la mer du 10 décembre 1982 relatives à la conservation et à la gestion des stocks de poissons dont les déplacements s'effectuent tant à l'intérieur qu'au-delà de zones économiques exclusives (stocks chevauchants) et des stocks de poissons grands migrateurs du 4 août 1995 et de l'Accord de la FAO visant à favoriser le respect des mesures internationales de conservation et de gestion par les navires de pêche en haute mer du 24 novembre 1993;

PRENANT EN CONSIDÉRATION le Code de conduite pour une pêche responsable adopté par la 28^e session de la Conférence de l'Organisation des Nations Unies pour l'alimentation et l'agriculture le 31 octobre 1995 et les instruments connexes adoptés par l'Organisation des Nations Unies pour l'alimentation et l'agriculture;

RECONNAISSANT les avantages économiques et sociaux découlant de l'exploitation durable des ressources halieutiques;

DÉSIRANT promouvoir la conservation à long terme et l'exploitation durable des ressources halieutiques de l'Atlantique du Nord-Ouest;

CONSCIENTES de la nécessité de la coopération et la consultation internationales à l'égard desdites ressources;

CONSIDÉRANT que la conservation et la gestion efficaces de ces ressources halieutiques devraient être fondées sur les meilleurs avis scientifiques disponibles et sur l'approche de précaution;

RÉSOLUES à appliquer une approche écosystémique à la gestion des pêches dans l'Atlantique du Nord-Ouest, qui inclut notamment la protection du milieu marin, la préservation de la biodiversité marine, la réduction au minimum du risque d'impacts négatifs à long terme ou irréversibles des activités de pêche et la prise en compte des relations entre toutes les composantes de l'écosystème;

RÉSOLUES EN OUTRE à pratiquer des activités de pêche responsables ainsi qu'à prévenir, à contrecarrer et à éliminer la pêche INN;

SONT CONVENUES de ce qui suit: ”

Article 3

Articles I – XXI shall be deleted and replaced by the following new Articles:

“ Article I – Définitions

1. Aux fins de la présente Convention, on entend par :

- a) « Convention de 1982 » la Convention des Nations Unies sur le droit de la mer du 10 décembre 1982;
- b) « Accord de 1995 » l'Accord aux fins de l'application des dispositions de la Convention des Nations Unies sur le droit de la mer du 10 décembre 1982 relatives à la conservation et à la gestion des stocks de poissons dont les déplacements s'effectuent tant à l'intérieur qu'au-delà de zones économiques exclusives (stocks chevauchants) et des stocks de poissons grands migrateurs du 4 août 1995;
- c) « État côtier » une Partie contractante ayant une zone économique exclusive dans la zone de la Convention;
- d) « Partie contractante » :
 - (i) tout État ou toute organisation d'intégration économique régionale qui a consenti à être lié par la présente Convention et à l'égard duquel celle-ci est en vigueur;
 - (ii) La présente Convention s'applique mutatis mutandis à toute entité visée à l'article 305, paragraphe 1, lettres c), d) et e) de la Convention de 1982, qui est située dans l'Atlantique Nord et qui devient partie à la présente Convention et, dans cette mesure, l'expression « Partie contractante » s'entend de ces entités.
- e) « zone de la Convention » la zone à laquelle la présente Convention s'applique comme indiqué à l'article IV, paragraphe 1;
- f) « ressources halieutiques » tout le poisson, tous les mollusques et tous les crustacés évoluant dans la zone de la Convention, à l'exclusion :
 - (i) des espèces sédentaires sur lesquels les États côtiers exercent des droits souverains en vertu de l'article 77 de la Convention de 1982;
 - (ii) dans la mesure où ils sont gérés en vertu d'autres traités internationaux, les stocks de poissons anadromes et catadromes et les espèces hautement migratoires figurant à l'annexe I de la Convention de 1982;
- g) « activités de pêche » la récolte ou la transformation des ressources halieutiques, ou le transbordement de ressources halieutiques ou de produits dérivés provenant des ressources halieutiques ou toute autre activité préparatoire, servant ou reliée à la récolte de ressources halieutiques, notamment :

- (i) la recherche, la capture ou la prise de ressources halieutiques ou toute tentative effectuée à ces fins;
 - (ii) la pratique de toute activité dont on peut raisonnablement s'attendre à ce qu'elle résulte dans la localisation, la capture, la prise ou la récolte de ressources halieutiques, quel qu'en soit le but;
 - (iii) toute opération en mer effectuée pour assister ou préparer toute activité décrite dans la présente définition,
- à l'exclusion des opérations d'urgence où la santé et la sécurité des membres d'équipage ou la sécurité d'un navire sont en jeu.
- h) « navire de pêche » tout navire qui se livre ou qui s'est livré à des activités de pêche, y compris un navire employé au traitement du poisson ou un navire se livrant au transbordement ou à toute autre activité préparatoire ou reliée aux activités de pêche, ou à des activités de pêche expérimentales ou exploratoires;
 - i) « État du pavillon » :
 - (i) tout État ou entité dont les navires sont autorisés à battre le pavillon; ou
 - (ii) toute organisation d'intégration économique régionale au sein de laquelle les navires sont autorisés à battre le pavillon d'un État faisant partie de cette organisation d'intégration économique régionale;
 - j) « pêche INN » les activités visées par le Plan d'action international visant à prévenir, à contrecarrer et à éliminer la pêche illicite, non déclarée et non réglementée adopté par l'Organisation des Nations Unies pour l'alimentation et l'agriculture le 2 mars 2001;
 - k) « ressources biologiques » l'ensemble des êtres vivants composant les écosystèmes marins;
 - l) « diversité biologique marine » la variabilité des organismes marins vivants et des complexes écologiques dont ils font partie; cela comprend la diversité au sein des espèces, entre espèces ainsi que celles des écosystèmes;
 - m) « ressortissants » aussi bien les personnes physiques que les personnes morales;
 - n) « État du port » l'État qui accueille des navires de pêche dans ses ports, y compris des terminaux portuaires ou autres installations au large à des fins, notamment, de débarquement, de transbordement, de ravitaillement en carburant ou de réapprovisionnement;
 - o) « organisation d'intégration économique régionale » une organisation d'intégration économique régionale dont tous les pays membres lui ont transféré compétence pour des matières relevant de la présente Convention, y compris le pouvoir de prendre des décisions contraignantes pour ses États membres en ce qui concerne ces matières;
 - p) « zone de réglementation » la partie de la zone de la Convention au-delà des zones relevant de la juridiction nationale.

Article II - Objectif

La présente Convention a pour objectif d'assurer la conservation à long terme et l'exploitation durable des ressources halieutiques de la zone de la Convention et, ce faisant, de protéger les écosystèmes marins dans lesquels se trouvent ces ressources.

Article III – Principes généraux

Afin de réaliser l'objectif de la présente Convention, les Parties contractantes, individuellement ou collectivement, selon le cas, s'engagent à :

- a) favoriser l'utilisation optimale et la conservation à long terme des ressources halieutiques;

- b) adopter des mesures fondées sur les avis scientifiques disponibles les plus fiables afin de faire en sorte que les ressources halieutiques soient maintenues ou rétablies à des niveaux qui assurent le rendement constant maximum;
- c) appliquer l'approche de précaution conformément à l'article 6 de l'Accord de 1995;
- d) tenir dûment compte de l'impact des activités de pêche sur d'autres espèces et écosystèmes marins et, de ce fait, adopter des mesures pour réduire au minimum les effets nuisibles sur les ressources biologiques et les écosystèmes marins;
- e) tenir dûment compte de la nécessité de préserver la diversité biologique marine;
- f) empêcher ou faire cesser la surexploitation et la surcapacité et faire en sorte que l'effort de pêche n'atteigne pas un niveau incompatible avec l'exploitation durable des ressources halieutiques;
- g) veiller à ce que des données complètes et exactes sur les activités de pêche dans la zone de la Convention soient recueillies et mises en commun en temps opportun;
- h) veiller à l'observation efficace des mesures de gestion et à ce que les sanctions en cas d'infraction soient suffisamment rigoureuses;
- i) tenir dûment compte de la nécessité de réduire au minimum la pollution et les déchets provenant de navires de pêche ainsi que les rejets, les captures par des engins perdus ou abandonnés, les captures d'espèces non visées par une pêche ciblée et l'impact sur les espèces associées ou dépendantes, en particulier les espèces menacées d'extinction.

Article IV – Zone d'application

1. La présente Convention s'applique aux eaux de l'océan Atlantique du Nord-Ouest situées au nord du 35°00' N et à l'ouest d'une ligne s'étendant plein nord du 35°00' N et du 42°00' O jusqu'au 59°00' N, puis plein ouest jusqu'au 44°00' O, et de là plein nord jusqu'à la côte du Groenland, ainsi que les eaux du golfe du Saint-Laurent, du détroit de Davis et de la baie de Baffin au sud du 78°10' N.
2. La zone de la Convention est divisée en sous-zones, divisions et subdivisions scientifiques et statistiques, dont les limites sont celles définies à l'annexe I de la présente Convention.

Article V – L'Organisation

1. Les Parties contractantes conviennent par la présente de créer, d'administrer et de renforcer l'Organisation des pêches de l'Atlantique du Nord-Ouest ci-après dénommée l'Organisation, qui s'acquitte des fonctions énoncées dans la présente Convention afin de réaliser l'objectif de cette dernière.
2. L'Organisation se compose :
 - a) d'une commission;
 - b) d'un conseil scientifique;
 - c) d'un secrétariat.
3. L'Organisation a une personnalité juridique et jouit, dans ses relations avec d'autres organisations internationales et sur les territoires des Parties contractantes, de la capacité juridique nécessaire à l'exécution de ses fonctions et à la réalisation de son objectif. Les privilèges et immunités dont l'Organisation et ses représentants jouissent sur le territoire d'une Partie contractante sont déterminés par une entente entre l'Organisation et la Partie contractante, notamment, en particulier, par un accord de siège entre l'Organisation et la Partie contractante hôte.
4. Le président de la commission est le président et le principal représentant de l'Organisation.

5. Le président convoque la réunion annuelle de l'Organisation au moment et à l'endroit choisis par la commission.
6. L'Organisation a son siège dans la municipalité régionale de Halifax, en Nouvelle-Écosse (Canada), ou à tout autre endroit dont peut décider la commission.

Article VI – La commission

1. Chaque Partie contractante est membre de la commission et y nomme un représentant, qui peut être accompagné de suppléants, de spécialistes et de conseillers.
2. La commission élit un président et un vice-président, qui remplissent chacun un mandat de deux ans et sont rééligibles, mais ne peuvent conserver leur poste plus de quatre années consécutives. Le président et le vice-président sont des représentants de différentes Parties contractantes.
3. Une Partie contractante peut demander la tenue d'une séance extraordinaire de la commission. Le président de la commission convoque alors une telle séance au moment et à l'endroit de son choix.
4. Sauf disposition contraire, les mesures adoptées par la commission s'appliquent à la zone de réglementation.
5. La commission :
 - a) adopte et peut modifier le règlement applicable au déroulement de ses séances et l'exercice de ses fonctions, notamment ses règles de procédure, ses règlements financiers et tout autre règlement;
 - b) met sur pied les organes subsidiaires dont elle considère avoir besoin pour s'acquitter de ses fonctions et conduit leurs activités;
 - c) supervise les affaires structurelles, administratives et financières et les autres affaires internes de l'Organisation, y compris les relations entre ses parties constitutives;
 - d) nomme un secrétaire exécutif selon les modalités et conditions définies par elle;
 - e) dirige les relations extérieures de l'Organisation;
 - f) approuve le budget de l'Organisation;
 - g) adopte des règles prévoyant la participation à ses séances de représentants d'organisations intergouvernementales, de Parties non contractantes et d'organisations non gouvernementales en qualité d'observateurs, selon ce qui convient. Ces règles ne doivent pas être trop restrictives et doivent permettre l'accès en temps opportun aux dossiers et rapports de la commission;
 - h) exerce les autres fonctions et activités en conformité avec la Convention selon ce qu'elle décide;
 - i) guide le comité scientifique dans la définition de ses tâches et des priorités de ses travaux;
 - j) élabore des procédures adéquates en conformité avec le droit international pour évaluer l'exécution, par les Parties contractantes, des obligations qui leur incombent conformément aux articles X et XI.
6. En collaboration avec le conseil scientifique, la commission :
 - a) surveille périodiquement l'état des stocks de poissons et identifie les actions à prendre pour assurer leur conservation et leur gestion;

- b) recueille, analyse et diffuse toutes les informations pertinentes;
 - c) évalue l'impact des activités de pêche et d'autres activités humaines sur les ressources biologiques et les écosystèmes marins;
 - d) élabore des lignes directrices applicables à la pratique de la pêche à des fins scientifiques;
 - e) élabore des lignes directrices applicables à la collecte, la présentation, la vérification, la consultation et l'utilisation de données.
7. La commission peut soumettre au conseil scientifique toute question se rapportant au fondement scientifique des décisions qu'elle peut devoir prendre concernant les ressources halieutiques, l'impact des activités de pêche sur les ressources biologiques et la protection de l'écosystème dans lequel se trouvent ces ressources.
8. En appliquant les principes énoncés à l'article III, la commission adopte, à l'égard de la zone de réglementation:
- a) des mesures de conservation et de gestion visant à réaliser l'objectif de la présente Convention;
 - b) des mesures de conservation et de gestion visant à réduire au minimum l'impact des activités de pêche sur les ressources biologiques et leurs écosystèmes;
 - c) les totaux des captures admissibles et/ou les niveaux d'effort de pêche et définit la nature et l'étendue de la participation aux activités de pêche;
 - d) des mesures concernant la pratique de la pêche à des fins scientifiques mentionnées au paragraphe 6, alinéa d);
 - e) des mesures concernant la collecte, la présentation, la vérification, la consultation et l'utilisation de données mentionnées au paragraphe 6, alinéa e);
 - f) des mesures pour assurer un rendement approprié des États du pavillon.
9. La commission adopte des mesures de mise en place de mécanismes de coopération adéquats en matière d'observation, de contrôle, de surveillance et de mise en application des mesures de conservation et de gestion qu'elle a adoptées. Ces mécanismes comprennent :
- a) la reconnaissance de droits réciproques d'arraisonnement et d'inspection par les Parties contractantes dans la zone de réglementation ainsi que la poursuite de l'État du pavillon et l'exercice de sanctions contre lui sur la base de la preuve découlant de tels arraisonnements et inspections;
 - b) des normes minimales d'inspection pour les navires de pêche par les Parties contractantes dans des ports où des ressources halieutiques ou des produits dérivés de celles-ci provenant de la zone de réglementation sont débarqués;
 - c) des actions de suivi prévues aux articles X, XI ou XII sur la base de la preuve découlant de telles inspections;
 - d) sans préjudice des mesures qu'une Partie contractante peut prendre à cet égard, des mesures visant à prévenir, à contrecarrer et à éliminer la pêche INN.
10. La commission peut adopter des mesures sur des matières énoncées aux paragraphes 8 et 9 concernant une zone relevant de la juridiction nationale d'une Partie contractante, pourvu que l'État côtier en question le demande et que la mesure fasse l'objet d'un vote affirmatif de sa part.
11. a) Dans l'exercice des fonctions prévues au paragraphe 8, la commission s'assure qu'il existe une concordance entre :
- (i) une mesure s'appliquant à un stock ou groupe de stocks de poisson évoluant aussi bien dans la zone de réglementation que dans une zone relevant de la juridiction nationale d'un État côtier, ou une mesure qui, du fait de l'interdépendance des espèces, aurait une incidence sur

un stock ou groupe de stocks de poisson évoluant en totalité ou en partie dans une zone relevant de la juridiction nationale d'un État côtier, et

- (ii) les actions prises par l'État côtier relativement à la gestion et à la conservation dudit stock ou groupe de stocks de poisson à l'égard des activités de pêche pratiquées dans la zone relevant de sa juridiction nationale.
- b) En conséquence, la commission et l'État côtier en question facilitent la coordination de leurs mesures et actions respectives. Chaque État côtier informe la commission des actions qu'il a prises aux fins du présent article.
12. Les mesures adoptées par la commission concernant la répartition des possibilités de pêche dans la zone de réglementation doivent tenir compte des intérêts des Parties contractantes dont les navires ont traditionnellement pêché dans cette zone et des intérêts des États côtiers pertinents. En ce qui concerne la répartition des possibilités de pêche dans les zones du Grand Banc et du Bonnet flamand, la commission accorde une attention particulière à la Partie contractante dont les collectivités riveraines dépendent au premier chef d'activités de pêche visant les stocks associés à ces pêcheries et qui a déployé des efforts considérables pour assurer la conservation de ces stocks par des mesures internationales, en organisant notamment la surveillance et l'inspection des pêches internationales pratiquées dans ces zones dans le cadre d'un programme international d'inspection mutuelle.
13. La commission peut établir des procédures permettant aux Parties contractantes de prendre des mesures, y compris des mesures non discriminatoires liées au commerce, contre tout État du pavillon ou entité de pêche dont les navires de pêche se livrent à des activités de pêche qui compromettent l'efficacité des mesures de conservation et de gestion adoptées par la commission. La mise en œuvre de mesures liées au commerce par une Partie contractante doit être conforme aux obligations internationales de celle-ci.

Article VII – Le conseil scientifique

1. Chaque Partie contractante est membre du conseil scientifique et peut y nommer ses propres représentants, qui peuvent, à toute séance du conseil, être accompagnés de suppléants, de spécialistes et de conseillers.
2. Le conseil scientifique élit un président et un vice-président pour un mandat de deux ans. Chacun d'eux est rééligible, mais ne peut conserver son poste plus de quatre années consécutives.
3. À l'initiative du président ou à la demande d'un État côtier ou d'une Partie contractante appuyée par une autre Partie contractante, le président peut convoquer au moment et à l'endroit de son choix une séance extraordinaire du conseil scientifique.
4. Le conseil scientifique adopte et modifie au besoin le règlement applicable au déroulement de ses séances et à l'exercice de ses fonctions, incluant ses règles de procédure.
5. Le conseil scientifique peut mettre sur pied les organes subsidiaires dont il estime avoir besoin pour s'acquitter de ses fonctions.
6. L'élection des cadres, l'adoption et la modification du règlement et les autres questions relatives à l'organisation du travail sont décidées à la majorité des voix de toutes les Parties contractantes présentes et votant par l'affirmative ou par la négative, chacune d'entre elles disposant d'une voix. Aucune mise aux voix ne peut avoir lieu sans un quorum des deux tiers des Parties contractantes.
7. Le conseil scientifique adopte des règles prévoyant la participation, à ses séances, de représentants d'organisations intergouvernementales, de Parties non contractantes et d'organisations non gouvernementales en qualité d'observateurs, selon ce qui convient. Ces procédures ne doivent pas être trop restrictives et doivent permettre l'accès dans des délais raisonnables aux dossiers et rapports du conseil scientifique.
8. Conformément aux objectifs et aux principes de la Convention, le conseil scientifique :
 - a) sert de forum de consultation et de coopération entre les Parties contractantes pour étudier et échanger des données scientifiques et points de vue sur les activités de pêche et des écosystèmes

- dans lesquels elles sont pratiquées et pour étudier et évaluer l'état actuel des ressources halieutiques ainsi que des prévisions sur leur état futur, y compris des facteurs environnementaux et écologiques les affectant;
- b) promeut la coopération des Parties contractantes à la recherche scientifique destinée à combler les lacunes des connaissances;
 - c) collecte et entretient des relevés et statistiques;
 - d) publie ou diffuse des rapports, des renseignements et de la documentation se rapportant aux activités de pêche dans la zone de la Convention et à leurs écosystèmes;
 - e) fournit des avis scientifiques à la commission si celle-ci en fait la demande.
9. Le conseil scientifique peut :
- a) fournir, de son propre chef, des avis susceptibles d'aider la commission dans l'exercice de ses fonctions;
 - b) collaborer avec d'autres organismes publics ou privés ayant des objectifs similaires;
 - c) demander aux Parties contractantes de lui fournir toutes les données statistiques et scientifiques dont il peut avoir besoin pour l'exercice de ses fonctions.
10. Le conseil scientifique fournit des avis scientifiques en réponse à toute question que lui soumet :
- a) la commission concernant le fondement scientifique de la gestion et de la conservation des ressources halieutiques et de leurs écosystèmes dans la zone de réglementation en tenant compte des critères de référence déterminés par la commission à l'égard de cette question;
 - b) un État côtier concernant le fondement scientifique de la gestion et de la conservation des ressources halieutiques et de leurs écosystèmes dans les zones relevant de la juridiction nationale de cet État côtier dans la zone de la Convention.
11. L'État côtier détermine, en consultation avec le conseil scientifique, les critères de référence applicables à l'examen de toute question qu'il peut soumettre au conseil scientifique. Ces critères de référence comprennent, entre autres :
- a) une description des activités de pêche et de la zone à étudier;
 - b) dans les cas où l'on demande des évaluations ou des prévisions scientifiques, une description de tout facteur ou de toute hypothèse à prendre en considération;
 - c) le cas échéant, une description de tout objectif poursuivi par l'État côtier et une indication quant au genre d'opinion recherchée, soit un avis précis, soit un éventail d'options.
12. En règle générale, les avis scientifiques présentés par le conseil scientifique sont établis par consensus. Lorsque le consensus ne peut être atteint, le conseil expose, dans son rapport, toutes les opinions exprimées par ses membres.
13. Tous les rapports produits par le conseil scientifique sont publiés par le secrétariat.

Article VIII – Le Secrétariat

1. Le secrétariat pourvoit aux services de la commission, du conseil scientifique et de leurs organes subsidiaires de manière à faciliter l'exercice de leurs fonctions.
2. L'administrateur en chef du secrétariat est le secrétaire exécutif.
3. Les employés du secrétariat sont nommés par le secrétaire exécutif conformément au règlement et aux modalités que la commission peut établir en consultation avec le conseil scientifique, si nécessaire.
4. Sous la supervision générale de la commission, le secrétaire exécutif a plein pouvoir sur la gestion des employés du secrétariat et à l'égard des questions reliées à ces employés et s'acquitte des autres fonctions et obligations que la commission lui assigne.

Article IX – Budget

1. Chaque Partie contractante assume les frais de sa propre délégation à toute réunion convoquée en vertu de la présente Convention.
2. La commission établit le montant de la cotisation de chaque Partie contractante au budget annuel selon la formule suivante :
 - a) 10 % du budget est divisé entre les États côtiers au prorata de leurs prises nominales dans la zone de la Convention au cours de l'année se terminant deux ans avant le début de l'année budgétaire;
 - b) 30 % du budget est divisé également entre toutes les Parties contractantes;
 - c) 60 % du budget est divisé entre les Parties contractantes au prorata de leurs prises nominales dans la zone de la Convention au cours de l'année se terminant deux ans avant le début de l'année budgétaire;

la contribution annuelle de toute Partie contractante ayant une population de moins de 300 000 habitants est limitée à 12 % au maximum du budget total. En cas d'une telle limitation de la contribution, la partie restante du budget est divisée entre les autres Parties contractantes conformément aux dispositions des alinéas a), b) et c). Les prises nominales visées ci-dessus s'entendent des prises déclarées de ressources halieutiques précisées dans le règlement financier pris par la commission en vertu du paragraphe 5 alinéa a) de l'article VI.

3. Le secrétaire exécutif notifie à chaque Partie contractante le montant de sa cotisation calculé aux termes du paragraphe 2, et la Partie contractante verse sa contribution à l'Organisation aussitôt que possible après cette notification.
4. Les cotisations sont payables en devises du pays où l'Organisation a son siège.
5. Au plus tard soixante jours avant la réunion annuelle, le secrétaire exécutif soumet à l'attention de chaque Partie contractante le projet de budget annuel, accompagné d'un tableau des cotisations.
6. Une Partie contractante qui adhère à la présente Convention verse pour l'année de son adhésion un montant proportionnel au nombre de mois complets qui restent dans l'année, calculé à partir de la date de son adhésion.
7. À moins que la commission n'en décide autrement, une Partie contractante qui n'a pas versé l'intégralité de sa cotisation pendant deux années consécutives se voit privée du droit de voter et de présenter des objections aux termes de la présente Convention jusqu'à ce qu'elle se soit acquittée de ses obligations financières envers l'Organisation, à moins que la commission en décide autrement.
8. Les opérations financières de l'Organisation sont examinées annuellement par des vérificateurs comptables externes à l'Organisation et choisis par la commission.

Article X – Obligations des Parties contractantes

1. Chaque Partie contractante :
 - a) met en œuvre la présente Convention ainsi que toute mesure de conservation et de gestion ou autre obligation par laquelle elle est liée et soumet régulièrement à la commission une description des étapes prises pour mettre en œuvre et respecter ces mesures ou obligations, y compris la suite donnée aux procédures visées au paragraphe 2, alinéa e) de l'article XI;
 - b) coopère aux fins de la réalisation de l'objectif de la présente Convention;
 - c) prend toutes les actions nécessaires pour assurer l'efficacité et le respect des mesures de conservation et de gestion adoptées par la commission;
 - d) recueille et échange des données et connaissances scientifiques, techniques et statistiques se rapportant aux ressources biologiques et à leurs écosystèmes dans la zone de la Convention, y compris des renseignements complets et détaillés au sujet des captures commercialisées et de l'effort de pêche, et prend des actions adéquates pour vérifier l'exactitude de ces données;

- e) réalise un échantillonnage biologique des captures commercialisées;
 - f) rend rapidement disponible ces renseignements pouvant être demandés par la commission ou le conseil scientifique;
 - g) sans préjudice de la juridiction de l'État du pavillon, prend des actions ou coopère, dans la plus large mesure possible, avec d'autres Parties contractantes pour s'assurer que ses ressortissants et les navires de pêche appartenant à ses ressortissants ou exploités par ses ressortissants exerçant des activités de pêche se conforment aux dispositions de la présente Convention et aux mesures de conservation et de gestion adoptées par la commission;
 - h) sans préjudice de la juridiction de l'État du pavillon, dans la plus large mesure possible, sur réception des renseignements pertinents, mène immédiatement une enquête approfondie et fait rapport sans retard sur les actions prises en réponse à toute infraction grave présumée aux dispositions de la présente Convention ou à toute mesure de conservation et de gestion adoptée par la commission, commise par ses ressortissants ou par des navires de pêche battant pavillon étranger appartenant à ses ressortissants ou exploités par ses ressortissants.
2. Chaque Partie contractante qui est un État côtier soumet régulièrement à la commission une description des actions, notamment des actions de contrôle, qu'elle a prises pour la conservation et la gestion des stocks chevauchants qui se trouvent dans les eaux relevant de sa juridiction dans la zone de la Convention.

Article XI – Obligations des États du pavillon

1. Chaque Partie contractante s'assure que les navires autorisés à battre son pavillon :
- a) se conforment aux dispositions de la présente Convention et aux mesures de conservation et de gestion adoptées par la commission et que ces navires ne mènent aucune activité qui compromette l'efficacité de ces mesures;
 - b) ne pratiquent pas des activités de pêche sans autorisation dans les zones relevant de la juridiction nationale dans la zone de la Convention;
 - c) ne se livrent pas à des activités de pêche dans la zone de réglementation à moins d'y avoir été autorisés par la Partie contractante.
2. Chaque Partie contractante :
- a) s'abstient d'autoriser les navires autorisés à battre son pavillon à se livrer à des activités de pêche dans la zone de réglementation sauf si elle peut s'acquitter efficacement des responsabilités qui lui incombent en vertu de la présente Convention et conformément au droit international en ce qui concerne ces navires;
 - b) tient un registre des navires de pêche autorisés à battre son pavillon qu'elle a autorisés à pêcher des ressources halieutiques dans la zone de réglementation et veille à ce que les renseignements précisés par la commission soient inscrits à ce registre;
 - c) échange les renseignements mentionnés à l'alinéa b) conformément aux procédures précisées par la commission;
 - d) mène sans délai une enquête complète et dresse rapidement un rapport, conformément aux procédures adoptées par la commission, des mesures prises en réponse à une infraction présumée à une mesure adoptée par la commission, commise par un navire autorisé à battre son pavillon;
 - e) en ce qui concerne une infraction présumée visée à l'alinéa d), veille à ce que soient prises sans délai les actions d'application appropriées, y compris l'institution de procédures administratives ou judiciaires, conformément à ses lois.
3. Les actions d'application prises ou les sanctions infligées aux termes du paragraphe 2, alinéa e) doivent être suffisamment rigoureuses pour garantir le respect des mesures de conservation et de gestion,

décourager la répétition des infractions et priver les auteurs des infractions des profits découlant de leurs activités illégales.

Article XII – Obligations des États du port

1. Les actions prises conformément à la présente Convention par une Partie contractante qui est un État du port tiennent pleinement compte des droits et des obligations qui incombent aux États du port en droit international de promouvoir l'efficacité des mesures de conservation et de gestion adoptées par la commission.
2. Chaque Partie contractante qui est un État du port met en œuvre les mesures adoptées par la commission au sujet des inspections dans ses ports.
3. Aucune disposition du présent article ne porte atteinte à la souveraineté d'une Partie contractante sur les ports de son territoire.

Article XIII – Prise des décisions de la commission

1. En règle générale, les décisions de la commission sont prises par consensus. Aux fins du présent article, on entend par « consensus » l'absence de toute objection formelle présentée au moment où la décision est prise.
2. Si le président estime que tous les efforts en vue d'aboutir à un consensus quant à la décision à prendre ont été épuisés, les décisions de la commission sont prises, sauf indication contraire, à la majorité des deux tiers des voix de toutes les Parties contractantes présentes et votant par l'affirmative ou par la négative, étant entendu qu'aucune mise aux voix ne peut avoir lieu sans un quorum des deux tiers des Parties contractantes. Chaque Partie contractante dispose d'une voix.

Article XIV – Mise en œuvre des décisions de la commission

1. Chaque mesure adoptée par la commission en vertu de l'article VI, paragraphes 8 et 9 deviendra exécutoire pour chacune des Parties contractantes de la manière suivante :
 - a) le secrétaire exécutif transmet la mesure à chacune des Parties contractantes dans les cinq jours ouvrables suivant son adoption, en spécifiant la date de transmission aux fins du paragraphe 2;
 - b) sous réserve du paragraphe 2, la mesure deviendra exécutoire pour chacune des Parties contractantes soixante jours suivant la date de sa transmission, sauf indication contraire figurant dans la mesure.
2. Lorsqu'une Partie contractante présente au secrétaire exécutif une objection à une mesure dans les soixante jours suivant la date de transmission spécifiée au paragraphe 1, alinéa a), une autre Partie contractante peut de la même manière présenter une objection avant l'expiration d'une période supplémentaire de vingt jours ou dans les quinze jours suivant la date de transmission spécifiée dans la notification aux Parties contractantes de toute objection présentée pendant ladite période supplémentaire de vingt jours, selon l'expiration la plus tardive. La mesure devient alors une mesure exécutoire pour chacune des Parties contractantes, sauf pour celles qui ont présenté une objection. Cependant, si au terme de cette ou de ces périodes prorogées, des objections ont été présentées et maintenues par une majorité des Parties contractantes, la mesure ne devient pas une mesure exécutoire, à moins que certaines ou l'ensemble des Parties contractantes ne décident entre elles d'être liées par ladite mesure à une date convenue.
3. Une Partie contractante qui a présenté une objection peut la retirer à tout moment; la mesure devient alors exécutoire pour cette Partie contractante.
4.
 - a) Un an après la date d'entrée en vigueur d'une mesure, toute Partie contractante peut à tout moment notifier au secrétaire exécutif son intention de ne pas être liée par ladite mesure; si cette notification n'est pas retirée, ladite mesure cesse de lier la Partie en question un an après la date de réception de la notification par le secrétaire exécutif.

- b) À tout moment après qu'une mesure a cessé de lier une Partie contractante conformément à l'alinéa a), elle cesse de lier toute autre Partie contractante sur réception par le secrétaire exécutif d'une notification par ladite Partie de son intention de ne pas être liée.
5. Toute Partie contractante qui a présenté une objection à une mesure conformément au paragraphe 2 ou qui a notifié son intention de ne pas être liée par une mesure conformément au paragraphe 4 doit fournir en même temps une explication des motifs pour lesquels elle agit ainsi. Cette explication doit préciser si la Partie contractante agit ainsi parce qu'elle estime que la mesure est incompatible avec les dispositions de la présente Convention, ou que la mesure opère, à son encontre, une discrimination injustifiée de forme ou de fait. L'explication doit aussi comporter une déclaration des mesures que la Partie en question entend prendre à la suite de l'objection ou de la notification, notamment une description des actions de rechange qu'elle entend prendre ou qu'elle a prises aux fins de la conservation et de la gestion des ressources halieutiques en cause qui respectent l'objectif de la présente Convention.
6. Le secrétaire exécutif notifie immédiatement à chaque Partie contractante :
- la réception ou le retrait de toute objection conformément aux paragraphes 2 et 3;
 - la date à laquelle toute mesure devient exécutoire conformément au paragraphe 1;
 - la réception de chaque notification conformément au paragraphe 4;
 - chaque explication et description de mesures de rechange reçues conformément au paragraphe 5.
7. La Partie contractante qui invoque la procédure prévue aux paragraphes 2, 4 et 5 peut en même temps saisir un groupe d'experts ad hoc. L'annexe II s'applique *mutatis mutandis*.
8. Si une Partie contractante ne saisit pas un groupe d'experts ad hoc conformément au paragraphe 7, la commission décide, par vote postal à majorité simple, s'il y a lieu de saisir un groupe d'experts ad hoc de l'explication fournie par cette Partie contractante conformément au paragraphe 5. Si la commission décide de saisir un groupe d'experts ad hoc de cette question, l'annexe II s'applique *mutatis mutandis*.
9. Lorsque, conformément au paragraphe 8, la commission décide de ne pas saisir un groupe d'experts ad hoc, toute Partie contractante peut demander la convocation d'une séance de la commission pour examiner la mesure de la commission et l'explication fournie conformément au paragraphe 5.
10. Tout groupe d'experts ad hoc institué en vertu des paragraphes 7 ou 8 examine l'explication fournie conformément au paragraphe 5 et la mesure à laquelle elle se rapporte, et formule des recommandations à la commission à savoir :
- si l'explication fournie par la Partie contractante conformément au paragraphe 5 est bien fondée, et, le cas échéant, si, par conséquent, la mesure devrait être modifiée ou annulée, ou s'il conclut que l'explication n'est pas bien fondée, si la mesure devrait être maintenue; et
 - si les mesures de rechange énoncées dans la déclaration faite par la Partie contractante conformément au paragraphe 5 s'accordent avec l'objectif de la présente Convention et préservent les droits respectifs de toutes les Parties contractantes.
11. Au plus tard trente jours après la conclusion de la procédure du groupe d'experts ad hoc engagée conformément au présent article, la commission se réunit pour étudier les recommandations du groupe d'experts ad hoc.
12. Une fois conclue la procédure prévue aux paragraphes 7 à 11, toute Partie contractante peut invoquer la procédure de règlement des différends prévue à l'article XV.

Article XV – Règlement des différends

- Les Parties contractantes coopèrent en vue de prévenir les différends.
- Si un différend surgit entre deux ou plusieurs Parties contractantes à propos de l'interprétation ou de l'application de la présente Convention, y compris à propos de l'explication mentionnée au paragraphe 5 de l'article XIV ou de toute mesure prise par une Partie contractante à la suite d'une objection présentée

en application du paragraphe 2 de l'article XIV ou de toute notification faite conformément au paragraphe 4 de l'article XIV, ces Parties contractantes, ci-après appelées « les Parties au différend », cherchent à régler leur différend par voie de négociation, d'enquête, de médiation, de conciliation, d'arbitrage, de règlement judiciaire, de procédure devant un groupe d'experts ad hoc ou par d'autres moyens pacifiques de leur choix.

3. Lorsqu'un différend concerne l'interprétation ou l'application d'une mesure adoptée par la commission en vertu de l'article VI, paragraphes 7 et 8, ou des questions connexes, y compris l'explication mentionnée au paragraphe 5 de l'article XIV ou toute action prise par une Partie au différend à la suite d'une objection présentée en vertu du paragraphe 2 de l'article XIV, ou toute notification faite en vertu du paragraphe 4 de l'article XIV, les Parties au différend peuvent saisir, à titre consultatif, un groupe d'experts ad hoc conformément à l'annexe II.
4. Lorsqu'un groupe d'experts ad hoc est saisi du différend, il s'entretient avec les Parties au différend dès que possible et s'efforce de régler rapidement le différend. Le groupe d'experts ad hoc présente un rapport aux Parties au différend, qu'il transmet aussi aux autres Parties contractantes par l'entremise du secrétaire exécutif. Le rapport expose toute recommandation que le groupe d'experts ad hoc estime indiquée pour régler le différend.
5. Si les Parties au différend acceptent les recommandations du groupe d'experts ad hoc, elles notifient aux autres Parties contractantes, par l'entremise du secrétaire exécutif, dans les quatorze jours suivant la réception des recommandations du groupe d'experts ad hoc, les actions qu'elles entendent prendre pour mettre en œuvre ces recommandations. Les recommandations peuvent alors être soumises à l'examen de la commission, conformément aux procédures applicables.
6. Lorsqu'un différend n'est pas réglé à la suite des recommandations du groupe d'experts ad hoc, toute Partie au différend peut le soumettre à des procédures obligatoires aboutissant à des décisions obligatoires prévues à la section 2 de la partie XV de la Convention de 1982 ou à la partie VIII de l'Accord de 1995.
7. Lorsque les Parties à un différend conviennent de saisir un groupe d'experts ad hoc du différend, elles peuvent convenir en même temps d'appliquer provisoirement la mesure en cause adoptée par la commission jusqu'à ce que le groupe d'experts ad hoc présente son rapport, à moins que les Parties n'aient réglé le différend entre-temps par d'autres moyens.
8. Si les Parties au différend ne s'entendent sur aucun autre moyen pacifique mentionné au paragraphe 2 pour régler leur différend, ou si elles sont incapables d'en arriver autrement à un règlement, le différend est soumis, à la demande d'une des Parties au différend, aux procédures obligatoires aboutissant à des décisions obligatoires prévues à la section 2 de la partie XV de la Convention de 1982 ou à la partie VIII de l'Accord de 1995.
9. Si elles font appel aux procédures obligatoires aboutissant à des décisions obligatoires, les Parties au différend, à moins qu'elles en conviennent autrement, appliquent provisoirement toute recommandation faite par le groupe d'experts ad hoc conformément au paragraphe 4, ou, le cas échéant, conformément au paragraphe 10 de l'article XIV. Elles continuent d'appliquer ces mesures provisoires ou tout arrangement ayant un effet équivalent sur lesquels elles se sont entendues jusqu'à ce qu'une cour ou un tribunal compétent saisi du différend dicte des mesures provisoires ou rende une décision, ou jusqu'à l'expiration de la mesure adoptée par la commission.
10. Les dispositions sur la notification prévues au paragraphe 5 s'appliquent *mutatis mutandis* aux mesures provisoires appliquées conformément au paragraphe 7 ou dictées conformément au paragraphe 9, ou à toute décision rendue par une cour ou un tribunal saisi du différend.
11. La cour, le tribunal ou le groupe d'experts ad hoc saisi d'un différend en vertu du présent article applique les dispositions de la présente Convention, celles de la Convention de 1982, celles de l'Accord de 1995, les normes généralement acceptées en matière de conservation et de gestion des ressources biologiques ainsi que les autres règles de droit international qui ne sont pas incompatibles avec la présente Convention, en vue d'assurer la réalisation de l'objectif de la Convention.
12. Aucune disposition de la présente Convention ne peut être invoquée ni interprétée de manière à empêcher une Partie à un différend, en tant qu'État Partie à la Convention de 1982, de soumettre le différend à des procédures obligatoires aboutissant à des décisions contraignantes à l'encontre d'un autre État Partie à

cette Convention conformément à la section 2, de la partie XV de la Convention de 1982, ou, en tant qu'État Partie à l'Accord de 1995, de soumettre le différend à des procédures obligatoires aboutissant à des décisions obligatoires à l'encontre d'un autre État Partie conformément à l'article 30 de l'Accord de 1995.

Article XVI - Coopération avec des Parties non contractantes

1. Lorsqu'un navire autorisé à battre le pavillon d'une Partie non contractante se livre à des activités de pêche dans la zone de réglementation, la commission demande à l'État du pavillon de coopérer pleinement avec l'Organisation, soit en adhérant à la Convention, soit en acceptant d'appliquer les mesures de conservation et de gestion adoptées par la commission.
2. Les Parties contractantes :
 - a) échangent des informations sur les activités de pêche des navires de pêche battant le pavillon de Parties non contractantes et sur toute mesure prise en réponse à ces activités de pêche;
 - b) prennent des mesures conformément à la présente Convention et au droit international en vue de dissuader les navires autorisés à battre le pavillon d'une Partie non contractante de se livrer à des activités de pêche qui compromettent l'efficacité des mesures de conservation et de gestion adoptées par la commission.
 - c) portent à l'attention des Parties non contractantes à la présente Convention les activités de pêche auxquelles se livrent leurs ressortissants ou des navires autorisés à battre leur pavillon et qui compromettent l'efficacité des mesures de conservation et de gestion adoptées par la commission.
 - d) cherchent à obtenir la coopération de toute Partie non contractante qui importe, exporte ou réexporte des produits de la pêche provenant d'activités de pêche dans la zone de la Convention.

Article XVII – Coopération avec d'autres organisations

L'Organisation :

- a) coopère, s'il y a lieu, avec l'Organisation des Nations unies pour l'alimentation et l'agriculture ainsi qu'avec d'autres agences et organisations spécialisées, sur les questions d'intérêt commun;
- b) s'attache à établir des relations de travail et peut conclure des accords à cet effet avec d'autres organisations intergouvernementales qui peuvent contribuer à ses travaux et qui ont des compétences en matière de conservation à long terme et de l'exploitation durable des ressources biologiques et leurs écosystèmes. Elle peut inviter ces organisations à déléguer des observateurs à ses réunions ou à celles de ses organes subsidiaires; elle peut également demander de participer aux réunions de ces organisations;
- c) coopère avec d'autres organisations régionales de gestion de la pêche concernées et prend en considération leurs mesures de conservation et de gestion.

Article XVIII – Examen

La commission entreprend périodiquement d'examiner et d'évaluer dans quelle mesure les dispositions de la présente Convention sont bien adaptées et propose, le cas échéant, les moyens d'en renforcer le contenu et les méthodes d'application afin de mieux s'attaquer aux problèmes qui nuisent à la réalisation de l'objectif de la présente Convention.

Article XIX – Annexes

Les annexes font partie intégrante de la présente Convention et, sauf disposition contraire expresse, une référence à la Convention renvoie également à ses annexes.

Article XX – Bonne foi et abus de droit

Les Parties contractantes doivent remplir de bonne foi les obligations qu'elles ont assumées aux termes de la présente Convention et exercer les droits reconnus dans la présente Convention d'une manière qui ne constitue pas un abus de droit.

Article XXI – Relation avec d'autres conventions et accords internationaux

1. La présente Convention ne modifie en rien les droits et obligations des Parties contractantes qui découlent d'autres accords compatibles avec elle, et qui ne portent atteinte ni à la jouissance par les autres Parties contractantes des droits qu'elles tiennent de la présente Convention, ni à l'exécution de leurs obligations découlant de celle-ci.
2. Aucune disposition de la présente Convention ne porte atteinte aux droits, à la juridiction et aux obligations des Parties contractantes en vertu de la Convention de 1982 ou de l'Accord de 1995. La présente Convention est interprétée et appliquée dans le contexte de et d'une manière compatible avec les dispositions de la Convention de 1982 et de l'Accord de 1995.

Article XXII – Amendements à la Convention

1. Toute Partie contractante peut proposer des amendements à la présente Convention. La commission les étudie et leur donne suite lors d'une réunion annuelle ou d'une séance extraordinaire. Tout projet d'amendement est envoyé au secrétaire exécutif au moins quatre-vingt-dix jours avant la séance où l'on compte y donner suite, et ce dernier le transmet immédiatement à toutes les Parties contractantes.
2. Les projets d'amendement sont adoptés par une majorité des trois quarts de toutes les Parties contractantes. Le texte des amendements ainsi adopté est transmis par le dépositaire à chacune des Parties contractantes.
3. Un amendement entre en vigueur pour toutes les Parties contractantes cent vingt jours après la date de transmission spécifiée dans la notification par laquelle le dépositaire accuse réception d'un avis écrit de l'approbation de l'amendement par les trois quarts de toutes les Parties contractantes, à moins qu'une autre Partie contractante ne notifie au dépositaire son objection à l'amendement dans les quatre-vingt-dix jours suivant la date de transmission spécifiée dans l'accusé de réception du dépositaire, auquel cas l'amendement n'entre en vigueur pour aucune Partie contractante. Toute Partie contractante ayant présenté une objection à un amendement peut la retirer en tout temps. Si toutes les objections concernant un amendement qui a reçu l'approbation des trois quarts de toutes les Parties contractantes sont retirées, l'amendement entre en vigueur pour toutes les Parties contractantes cent vingt jours après la date de transmission spécifiée dans la notification par laquelle le dépositaire accuse réception du dernier retrait.
4. Toute Partie qui adhère à la présente Convention après l'adoption d'un amendement conformément au paragraphe 2 est réputée avoir approuvé cet amendement.
5. Le dépositaire notifie sans délai à toutes les Parties contractantes la réception des notifications d'approbation des amendements, des notifications d'objection ou de retrait d'objection, ainsi que de l'entrée en vigueur des amendements.
6. Malgré les dispositions des paragraphes 1 à 5, la commission peut par un vote des deux tiers de toutes les Parties contractantes :
 - a) en tenant compte de l'avis du conseil scientifique, si elle le juge nécessaire à des fins administratives, diviser la zone de réglementation en sous-zones scientifiques et statistiques, en divisions et subdivisions de réglementation, suivant le cas. Les limites de ces sous-zones divisions et subdivisions sont définies à l'annexe I;
 - b) à la demande du conseil scientifique, si elle le juge nécessaire à des fins administratives, scientifiques ou statistiques, modifier les limites des sous-zones, des divisions et subdivisions scientifiques et statistiques définies à l'annexe I, pourvu qu'elle ait l'accord de chaque État côtier touché.

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 - Dénonciation

1. Toute Partie contractante peut dénoncer la présente Convention par une notification écrite adressée au dépositaire au plus tard le 30 juin de l’année. La dénonciation prend effet le 31 décembre de la même année. Le dépositaire avise sans délai toutes les autres Parties contractantes.
2. Toute autre Partie contractante peut dès lors, par notification écrite adressée au dépositaire au plus tard trente jours après cette notification, dénoncer elle aussi la Convention avec effet le 31 décembre de la même année. Le dépositaire avise sans délai toutes les autres Parties contractantes, conformément au paragraphe 1.

Article XXV – Enregistrement

1. L’original de la présente Convention sera déposé auprès du gouvernement du Canada, qui en transmet des copies conformes à tous les signataires et à toutes les Parties contractantes.
2. Le dépositaire enregistre la présente Convention et tout amendement à celle-ci auprès du Secrétariat des Nations Unies.”

Article 7

Annexes I – II shall be deleted.

Article 8

Annex III shall be deleted and replaced by the following two Annexes:

“Annexe I de la Convention – Sous-zones, divisions et subdivisions scientifiques et statistiques

Les Sous-zones, divisions et subdivisions scientifiques et statistiques prévues à l'article IV de cette Convention sont les suivantes.

1(a) **Sous-zone 0**

La partie de la zone de la Convention limitée au sud par une ligne courant plein est depuis le point situé par 61° 00' N., 65° 00' O. jusqu'au point situé par 61° 00' N., 59° 00' O.; de là dans la direction du sud-est le long d'une loxodromie jusqu'au point situé par 60° 12' N., 57° 13' O.; de là, limitée à l'est par une succession de lignes géodésiques joignant les points ci-après.

N° du point	Latitude	Longitude	N° du point	Latitude	Longitude	N° du point	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'			

et de là plein nord jusqu'au parallèle par 78° 10' N.; et limitée à l'ouest par une ligne commençant au point situé par 61° 00' N., 65° 00' O. et se prolongeant dans la direction du nord-ouest le long d'une loxodromie jusqu'à la côte de l'île de Baffin au promontoire East (61° 55' N., 66° 20' O.); et de là en direction du nord le long de la côte de l'île de Baffin, de l'île Bylot, de l'île Devon et de l'île d'Ellesmere en suivant le méridien par 80° O. dans les étendues d'eau entre ces île jusqu'à 78° 10' N.; et limitée au nord par le parallèle par 78° 10' N.

1(b) **La sous-zone 0 se compose de deux divisions:**

Division 0-A

La partie de la sous-zone gisant au nord du parallèle par 66° 15' N.;

Division 0-B

La partie de la sous-zone gisant au sud du parallèle par 66° 15' N.

2(a) **Sous-zone 1**

La partie de la zone de la Convention gisant à l'est de la sous-zone 0 et au nord et à l'est d'une loxodromie joignant le point situé par 60° 12' N., 57° 13' O. au point situé par 52° 15' N., 42° 00' O.

2(b) **La sous-zone 1 se compose de six divisions:**

Division 1A

La partie de la sous-zone gisant au nord du parallèle par 68° 50' N. (Qasigiannguit);

Division 1B

La partie de la sous-zone gisant entre le parallèle par 66° 15' N. (approximativement à 5 milles marins au nord d'Umanarsugssuak) et le parallèle par 68° 50' N. (Qasigiannguit);

Division 1C

La partie de la sous-zone gisant entre le parallèle par 64° 15' N. (approximativement à 4 milles marins au nord de Nuuk) et le parallèle par 66° 15' N. (approximativement à 5 milles marins au nord d'Umanarsugssuak);

Division 1D

La partie de la sous-zone gisant entre le parallèle par 62° 30' N. (glacier Paamiut) et le parallèle par 64° 15' N. (approximativement à 4 milles marins au nord de Nuuk),

Division 1E

La partie de la sous-zone gisant entre le parallèle par 60° 45' N. (cap Desolation) et le parallèle par 62° 30' N. (glacier Paamiut);

Division 1FT

La partie de la sous-zone gisant au sud du parallèle par 60° 45' N. (cap Desolation).

3(a) **Sous-zone 2**

La partie de la zone de la Convention gisant à l'est du méridien par 64° 30' O. dans la région du détroit d'Hudson, au sud de la sous-zone 0, au sud et à l'ouest de la sous-zone 1 et au nord du parallèle par 52° 15' N.

3(b) **La sous-zone 2 se compose de trois divisions:**

Division 2G

La partie de la sous-zone gisant au nord du parallèle par 57° 40' N. (cap Mugford);

Division 2H

La partie de la sous-zone gisant entre le parallèle par 55° 20' N. (Hopedale) et le parallèle par 57° 40' N. (cap Mugford);

Division 2J

La partie de la sous-zone gisant au sud du parallèle par 55° 20' N. (Hopedale).

4(a) **Sous-zone 3**

La partie de la zone de la Convention gisant au sud du parallèle par 52° 15' N. et à l'est d'une ligne courant plein nord depuis le cap Bauld sur la côte nord de Terre-Neuve jusque par 52° 15' N.; au nord du parallèle par 39° 00' N.; et à l'est et au nord d'une loxodromie commençant au point situé par 39° 00' N., 50° 00' O. et se prolongeant dans la direction du nord-ouest pour passer par le point situé par 43° 30' N., 55° 00' O. dans la direction du point situé par 47° 50' N., 60° 00' O., jusqu'à son intersection avec une ligne droite reliant le cap Ray, 47° 37,0' N., 59° 18,0' O. sur la côte de Terre-Neuve au cap North, 47° 02,0' N., 60° 25,0' O. sur l'île du Cap-Breton; de là, dans la direction du nord-est le long de ladite ligne jusqu'au cap Ray, 47° 37,0' N. 59° 18,0' O.

4(b) **La sous-zone 3 se compose de six divisions:**

Division 3K

La partie de la sous-zone gisant au nord du parallèle par 49° 15' N. (cap Freels, Terre-Neuve);

Division 3L

La partie de la sous-zone gisant entre la côte de Terre-Neuve, depuis le cap Freels jusqu'au cap St. Mary, et une ligne décrite comme suit : commençant au cap Freels, de là, plein est jusqu'au méridien par 46° 30' O., de là plein sud jusqu'au parallèle par 46° 00' N., de là plein ouest jusqu'au méridien par 54° 30' O., de là suivant une loxodromie jusqu'au cap St. Mary à Terre-Neuve.

Division 3M

La partie de la sous-zone gisant au sud du parallèle par 49° 15' N. et à l'est du méridien par 46° 30' O.

Division 3N

La partie de la sous-zone gisant au sud du parallèle par 46° 00' N. et entre le méridien par 46° 30' O. et le méridien par 51° 00' O.;

Division 3O

La partie de la sous-zone gisant au sud du parallèle par 46° 00' N. et entre le méridien par 51° 00' O. et le méridien par 54° 30' O.;

Division 3P

La partie de la sous-zone gisant au sud de la côte de Terre-Neuve et à l'ouest d'une ligne reliant le cap St. Mary, à Terre-Neuve, au point situé par 46° 00' N., 54° 30' O., de là plein sud jusqu'à une limite de la sous-zone;

La division 3P est divisée en deux subdivisions :

3Pn – Subdivision nord-ouest – La partie de la division 3P gisant au nord-ouest d'une ligne courant du point situé par 47° 30,7' N., 57° 43,2' O. à Terre-Neuve, approximativement en direction du sud-ouest jusqu'au point situé par 46° 50,7' N., 58° 49,0' O.;

3Ps – Subdivision sud-est – La partie de la division 3P gisant au sud-est de la ligne définie pour la subdivision 3Pn.

5(a) **Sous-zone 4**

La partie de la zone de la Convention gisant au nord du parallèle par 39° 00' N., à l'ouest de la sous-zone 3, et à l'est d'une ligne décrite comme suit :

commençant à l'extrémité de la frontière internationale entre les États-Unis d'Amérique et le Canada dans le chenal Grand-Manan, en un point situé par 44° 46' 35,346" N., 66° 54' 11,253" O.; de là courant plein sud jusqu'au parallèle par 43° 50' N.; de là plein ouest jusqu'au méridien par 67° 24' 27,24" O.; de là suivant une ligne géodésique dans la direction du sud-ouest jusqu'au point situé par 42° 53' 14" N., 67° 44' 35" O.; de là suivant une ligne géodésique dans la direction du sud-est jusqu'au point situé par 42° 31' 08" N., 67° 28' 05" O.; de là suivant une ligne géodésique jusqu'au point situé par 42° 20' N., 67° 18' 13,15" O.;

de là plein est jusqu'au point situé par 66° 00' O.; de là suivant une loxodromie dans la direction du sud-est jusqu'au point situé par 42° 00' N., 65° 40' O. et de là plein sud jusqu'au parallèle par 39° 00' N.

5(b) **La sous-zone 4 se compose de six divisions:**

Division 4R

La partie de la sous-zone gisant entre la côte de Terre-Neuve depuis le cap Bauld jusqu'au cap Ray et une ligne décrite comme suit : commençant au cap Bauld, de là plein nord jusqu'au parallèle par 52° 15' N., de là plein ouest jusqu'à la côte du Labrador, de là le long de la côte du Labrador jusqu'à l'extrémité de la limite entre le Labrador et le Québec, de là le long d'une loxodromie en direction du sud-ouest jusqu'au point situé par 49° 25' N., 60° 00' O., de là plein sud jusqu'au point situé par 47° 50' N., 60° 00' O., de là le long d'une loxodromie en direction du sud-est jusqu'au point où la limite de la sous-zone 3 rejoint une ligne droite tracée entre le cap North, en Nouvelle-Écosse, et le cap Ray, à Terre-Neuve, et de là jusqu'au cap Ray, à Terre-Neuve;

Division 4S

La partie de la sous-zone gisant entre la côte sud du Québec, depuis l'extrémité de la limite entre le Labrador et le Québec jusqu'à Pointe-des-Monts, et une ligne décrite comme suit : commençant à Pointe-des-Monts, de là plein est jusqu'au point situé par 49° 25' N., 64° 40' O., de là suivant une loxodromie dans la direction de l'est-sud-est jusqu'au point situé par 47° 50' N., 60° 00' O., de là plein nord jusqu'au point situé par 49° 25' N., 60° 00' O., de là suivant une loxodromie dans la direction du nord-est jusqu'à l'extrémité de la limite entre le Labrador et le Québec;

Division 4T

La partie de la sous-zone gisant entre les côtes de la Nouvelle-Écosse, du Nouveau-Brunswick et du Québec, depuis le cap North jusqu'à Pointe-des-Monts, et une ligne décrite comme suit : commençant à Pointe-des-Monts, de là plein est jusqu'au point situé par 49° 25' N., 64° 40' O., de là suivant une loxodromie dans la direction du sud-est jusqu'au point situé par 47° 50' N., 60° 00' O., de là suivant une loxodromie dans la direction du sud jusqu'au cap North en Nouvelle-Écosse;

Division 4V

La partie de la sous-zone gisant entre la côte de la Nouvelle-Écosse, entre le cap North et Fourchu, et une ligne décrite comme suit : commençant à Fourchu, de là suivant une loxodromie dans la direction de l'est jusqu'au point situé par 45° 40' N., 60° 00' O., de là plein sud le long du méridien par 60° 00' O. jusqu'au parallèle par 44° 10' N., de là plein est jusqu'au méridien par 59° 00' O., de là plein sud jusqu'au parallèle par 39° 00' N., de là plein est jusqu'au point où la limite entre les sous-zones 3 et 4 intersecte le parallèle par 39° 00' N., de là le long de la limite entre les sous-zones 3 et 4 et d'une ligne se prolongeant dans la direction du nord-ouest jusqu'au point situé par 47° 50' N., 60° 00' O., et de là le long d'une loxodromie

dans la direction du sud jusqu'au cap North en Nouvelle-Écosse;

La division 4V est divisée en deux subdivisions :

4Vn – Subdivision nord – La partie de la division 4V gisant au nord du parallèle par 45° 40' N.;

4Vs – Subdivision sud – La partie de la division 4V gisant au sud du parallèle par 45° 40' N.

Division 4W

La partie de la sous-zone gisant entre la côte de la Nouvelle-Écosse, entre Halifax et Fourchu, et une ligne décrite comme suit : commençant à Fourchu, de là le long d'une loxodromie dans la direction de l'est jusqu'au point situé par 45° 40' N., 60° 00' O., de là plein sud le long du méridien par 60° 00' O. jusqu'au parallèle par 44° 10' N., de là plein est jusqu'au méridien par 59°00' O., de là plein sud jusqu'au parallèle par 39° 00' N., de là plein ouest jusqu'au méridien par 63° 20' O., de là plein nord jusqu'au point le long de ce méridien situé par 44° 20' N., de là le long d'une loxodromie dans la direction du nord-ouest jusqu'à Halifax en Nouvelle-Écosse;

Division 4X

La partie de la sous-zone gisant entre la limite ouest de la sous-zone 4 et les côtes du Nouveau-Brunswick et de la Nouvelle-Écosse, depuis l'extrémité de la frontière entre le Nouveau-Brunswick et le Maine et Halifax, et une ligne décrite comme suit : commençant à Halifax, de là le long d'une loxodromie dans la direction du sud-est jusqu'au point situé par 44° 20' N., 63° 20' O., de là plein sud jusqu'au parallèle par 39° 00' N., et de là plein ouest jusqu'au méridien par 65° 40' O.

6(a) **Sous-zone 5**

La partie de la zone de la Convention gisant à l'ouest de la limite ouest de la sous-zone 4, au nord du parallèle par 39° 00' N., et à l'est du méridien par 71° 40' O.

6(b) **La sous-zone 5 se compose de deux divisions :**

Division 5Y

La partie de la sous-zone gisant entre les côtes du Maine, du New Hampshire et du Massachusetts, depuis la frontière entre le Maine et le Nouveau-Brunswick jusqu'à 70° 00' O. au cap Cod (par approximativement 42° N.), et une ligne décrite comme suit : commençant en un point au cap Cod par 70° O. (par approximativement 42° N.), de là plein nord jusqu'à 42° 20' N., de là plein est jusqu'à 67° 18' 13,15" O., à la limite des sous-zones 4 et 5, et de là le long de cette limite jusqu'à la frontière entre le Canada et les États-Unis;

Division 5Z

La partie de la sous-zone gisant au sud et à l'est de la division 5Y.

La division 5Z est divisée en deux subdivisions : une subdivision est et une subdivision ouest définies comme suit :

5Ze –Subdivision est– La partie de la division 5Z gisant à l'est du méridien par 70° 00' O.;

5Zw – Subdivision ouest – La partie de la division 5Z gisant à l'ouest du méridien par 70° 00' O.

7(a) **Sous-zone 6**

La partie de la zone de la Convention limitée par une ligne commençant en un point sur la côte du Rhode Island situé par 71° 40' O., de là plein sud jusqu'à 39° 00' N., de là plein est jusqu'à 42° 00' O., de là plein sud jusqu'à 35° 00' N., de là plein ouest jusqu'à la côte de l'Amérique du Nord, de là vers le nord le long de la côte de l'Amérique du Nord jusqu'au point au Rhode Island situé par 71° 40' O.

7(b) **La sous-zone 6 se compose de huit divisions:**

Division 6A

La partie de la sous-zone gisant au nord du parallèle par 39° 00' N. et à l'ouest de la sous-zone 5;

Division 6B

La partie de la sous-zone gisant à l'ouest de 70° 00' O., au sud du parallèle par 39° 00' N., et au nord et à l'ouest d'une ligne courant vers l'ouest le long du parallèle par 37° 00' N. jusqu'à 76° 00' O. et de là plein sud jusqu'au cap Henry en Virginie;

Division 6C

La partie de la sous-zone gisant à l'ouest de 70° 00' O. et au sud de la subdivision 6B;

Division 6D

La partie de la sous-zone gisant à l'est des divisions 6B et 6C et à l'ouest de 65° 00' O.;

Division 6E

La partie de la sous-zone gisant à l'est de la division 6D et à l'ouest de 60° 00' O.;

Division 6F

La partie de la sous-zone gisant à l'est de la division 6E et à l'ouest de 55° 00' O.;

Division 6G

La partie de la sous-zone gisant à l'est de la division 6F et à l'ouest de 50° 00' O.;

Division 6H

La partie de la sous-zone gisant à l'est de la division 6G et à l'ouest de 42° 00' O.

Annexe II de la Convention – Règles de procédure des groupes d'experts ad hoc visés à l'article XV

1. Le secrétaire exécutif établit et tient une liste d'experts qui sont disposés et aptes à agir comme membres de groupes d'experts ad hoc. Chaque Partie contractante peut nommer jusqu'à cinq experts dont les compétences sont établies quant aux aspects juridiques, scientifiques ou techniques des pêches visées par la Convention. La Partie contractante qui procède à une nomination fournit des renseignements sur les compétences et l'expérience pertinentes de chacune des personnes qu'elle nomme.
2. Les parties à un différend notifient au secrétaire exécutif leur intention de soumettre un différend à un groupe d'experts ad hoc. Cette notification est accompagnée d'une description complète de l'objet du différend ainsi que des motifs invoqués par chaque partie. Le secrétaire exécutif transmet dans les plus brefs délais une copie de la notification à toutes les Parties contractantes.
3. Lorsqu'une autre Partie contractante souhaite devenir partie au différend, elle peut se joindre au processus d'institution du groupe d'experts ad hoc, à moins que les parties initiales au différend ne s'y opposent. La Partie contractante qui souhaite devenir partie au différend devrait en donner notification dans les 15 jours suivant la date à laquelle elle reçoit la notification visée au paragraphe 2.
4. Au plus tôt 30 jours après la notification visée au paragraphe 2 et au plus tard 45 jours après celle-ci, les parties au différend notifient au secrétaire exécutif l'institution du groupe d'experts ad hoc, y compris les noms des membres du groupe d'experts ad hoc et le calendrier des travaux de ce dernier. À moins que les parties n'en conviennent autrement, les dispositions suivantes s'appliquent :
 - a) le groupe d'experts ad hoc est composé de trois membres;
 - b) les parties au différend choisissent chacune un membre et choisissent le troisième d'un commun accord;
 - c) le troisième membre préside le groupe d'experts ad hoc;
 - d) le troisième membre ne peut pas être un ressortissant d'aucune des parties au différend et ne peut pas posséder la même nationalité que les deux autres membres;
 - e) dans le cas d'un différend entre plus de deux Parties contractantes, les parties au différend qui ont les mêmes intérêts choisissent ensemble un membre. Si les parties au différend ne parviennent pas à s'entendre sur la nomination du troisième membre du groupe d'experts ad hoc, le président du Tribunal international du droit de la mer effectue la nomination, à moins que les parties au différend ne conviennent que la nomination soit effectuée par une autre personne ou par un État tiers.

Le secrétaire exécutif transmet dans les plus brefs délais une copie de la notification à toutes les Parties contractantes.
5. Toute Partie contractante qui n'est pas partie au différend peut assister à toutes les audiences du groupe d'experts ad hoc, soumettre des observations verbales et écrites au groupe d'experts ad hoc et recevoir les observations de chaque partie au différend.
6. À la demande d'une partie au différend, ou de sa propre initiative, le groupe d'experts ad hoc peut demander des renseignements et des avis techniques de toute personne ou de tout organisme qu'il estime approprié, à condition que les parties au différend y consentent.
7. À moins que les parties au différend n'en conviennent autrement, le groupe d'experts ad hoc présente son rapport et ses recommandations visés au paragraphe 4 de l'article XV de la Convention dans les 90 jours suivant son institution. Le rapport et les recommandations s'en tiennent à l'objet du différend et exposent les motifs sur lesquels ils se fondent. Le rapport et les recommandations sont communiqués dans les plus brefs délais, par l'entremise du secrétaire exécutif, à toutes les Parties contractantes.
8. Le groupe d'experts ad hoc s'efforce d'en arriver à des conclusions par consensus. Si cela s'avère impossible, les conclusions du groupe d'experts ad hoc sont adoptées à la majorité de ses membres, qui ne peuvent s'abstenir de voter.
9. Le groupe d'experts ad hoc peut adopter toute règle de procédure qu'il juge nécessaire pour accélérer l'instance.
10. Les parties au différend assument à parts égales les coûts liés au groupe d'experts ad hoc.
11. Dans le cas d'un groupe d'experts ad hoc institué en vertu des paragraphes 7 et 8 de l'article XIV, les parties sont réputées être la commission et la partie contractante qui a présenté une objection, et les dispositions de la présente annexe s'appliquent, à l'exception du paragraphe 3 et du paragraphe 4, alinéa e). ”

**Annex 14. Resolution on the Interpretation and Implementation of the Convention
on the Future Multilateral Cooperation in the Northwest Atlantic Fisheries
(GC W.P. 08/5, Rev. - ADOPTED - now GC Doc. 08/3)**

The Contracting Parties to the Convention on the Future Multilateral Cooperation in Northwest Atlantic Fisheries (hereinafter referred to as the Convention),

Recognizing 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, and

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 in October 1995,

Desiring to promote the long-term conservation and optimum utilization of the fishery resources of the Northwest Atlantic Area,

Recognizing the economic and social benefits from the sustainable use of fishery resources,

Noting the amendments to the Convention adopted at the 29th annual meeting of the Northwest Atlantic Fisheries Organization (NAFO),

Declare that in giving effect to the objective of the Convention, Contracting Parties individually and collectively, intend to:

- a) adopt measures based on the best scientific evidence available to ensure that fishery resources are maintained at or restored to levels capable of producing maximum sustainable yield;
- b) apply the precautionary approach in accordance with Article 6 of the 1995 Agreement;
- c) take due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopt measures to minimize harmful impacts on living marine resources and marine ecosystems;
- d) take due account of the need to preserve marine biological diversity;
- e) 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;
- f) ensure that complete and accurate data concerning fishing activities within the Regulatory Area are collected and shared among them in a timely manner;
- g) ensure effective compliance with management measures and that sanctions for any infringements are adequate in severity; and
- (h) adopt measures to prevent, deter and eliminate IUU fishing activities.

Annex 15. 2008 Annual Meeting Press Release**NAFO advances its Ecosystem Approach to Fisheries Management****FOR IMMEDIATE RELEASE**

VIGO, SPAIN - The Northwest Atlantic Fisheries Organization held its 30th Annual Meeting from the 22nd to the 26th of September, 2008. The Government of Spain hosted the meeting in Vigo, Spain. The meeting focused on the ecosystem aspects of the Northwest Atlantic, the establishment of fisheries management measures and improved monitoring and compliance.

NAFO takes additional action to protect vulnerable marine ecosystems (VMEs)

Further to extensive precautionary area closures (seamounts, southern Grand Banks) in the last three years, in 2008 NAFO substantially advanced its protection of VMEs. NAFO scientists mapped areas that are likely to contain VMEs and gave advice on the impact of bottom fishing on sensitive habitats. NAFO adopted a number of measures for the international waters of the Northwest Atlantic including the requirement to stop fishing if evidence of VMEs is encountered.

NAFO defines its fishing “footprint”

This year NAFO identified existing bottom fishing areas (“footprint”), within the international waters of the Northwest Atlantic by compiling detailed information on fishing activities from 1987-2007. The areas outside the “footprint” constitute “new fishing areas” for which special exploratory fishing protocols will apply to prevent damage to yet untouched sensitive habitats. This will allow NAFO to establish ecosystem-friendly management regimes (including additional closures if necessary) for new fisheries.

NAFO fishery resources show improvement

The abundance of some straddling stocks of American plaice, redfish and cod is showing improvement. Others, such as yellowtail flounder and shrimps are already in relatively good condition. This is good news and encourages NAFO to continue with strengthening its management regime in the Northwest Atlantic.

NAFO enhances its monitoring and control

At this meeting, NAFO adopted new port state measures that will contribute to a tighter control and enforcement of the NAFO fisheries. From 2004 to 2007 fishing effort in the international waters of the Northwest Atlantic diminished by sixty percent. In 2007 NAFO conducted 296 at-sea inspections of which roughly five percent resulted in a citation. This rate of citation remained fairly constant since 2003.

NAFO amended Convention ready for ratification

At this Annual Meeting Contracting Parties agreed to a French translation of the amendments to the NAFO Convention adopted last year. Now the Depositary of the NAFO Convention, Canada, can give the green light to the ratification process by NAFO members. Meanwhile NAFO adopted a resolution to implement its commitment to an ecosystem-based fisheries management approach.

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

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**2008 Annual Meeting Press Release
22 - 26 September 2008**

Backgrounder

The 30th NAFO Annual Meeting was hosted by the Government of Spain in Vigo, Spain. The three bodies of NAFO, General Council (chaired by Terje Lobach, Norway), Scientific Council (chaired by Don Power, Canada) and Fisheries Commission (chaired by Vladimir Shibanov, Russia) and their subsidiary bodies met for one week at the Maritime Station. The 200 delegates from NAFO member countries came together to deliberate on management measures and scientific assessment regarding the international fisheries of the Northwest Atlantic. The meeting was also attended by observers from two other regional fisheries bodies; as well as from the Ecology Action Centre (EAC) and World Wildlife Fund Canada (WWF- Canada).

Over the course of the current year, NAFO devoted considerable time to develop strategies of implementing an ecosystem approach to fisheries management. During a number of meetings NAFO addressed the identification of vulnerable marine ecosystems (VMEs) in the Northwest Atlantic and adopted necessary management measures to protect sensitive habitats including determination of the NAFO fishing “footprint”, requirement to stop fishing upon encounter of a VME and exploratory fishery protocols for “new” fishing areas. These steps are in line with the commitment by States made at the UN General Assembly in 2006 (UNGA Resolution 61/105), calling on protection of VMEs. The new measures also continue with previously adopted area closures for seamounts and southern Grand Banks.

The fishing “footprint” was determined by compiling detailed geographic information on bottom fishing locations from Contracting Parties in the period of 1987-2007. Any areas outside this “footprint” are labelled as “new fishing areas”.

The advice on the status of fish stocks and the ecosystem given by the Scientific Council to the Organization and Coastal States was mainly elaborated at its main meeting in June. While many stocks remain in a poor condition there were signs of improvement in some stock of Atlantic cod and redfish. Details can be found on the NAFO website at www.nafo.int. The Fisheries Commission established TACs and quotas based on the scientific advice for the 21 fish stocks managed by NAFO.

NAFO again reviewed the compliance of fishing vessels with the NAFO conservation and management measures. The fishing effort in the NAFO Regulatory Area decreased from 10,000 fishing days in 2004 to only 4,000 fishing days in 2007. During these years NAFO conducted between 300 to 400 at-sea inspections per year and issued citations in about five percent of the cases.

In the past few years NGOs have continued to attend NAFO meetings, most notably the WWF Canada, the Ecology Action Centre and the Sierra Club of Canada.

NAFO agreed on a French translation of the amended NAFO Convention (adopted in English language in 2007). This now allows the Depositary of the NAFO Convention, Canada, to give the go ahead to other Contracting Parties to begin the ratification process through their own parliaments.

Attached is the table of NAFO Total Allowable Catches (TAC) and quotas agreed at this session.

Meetings

Prior to the Annual Meeting, the following NAFO meetings were held during 2008: (1) Scientific Council Study Group on Rebuilding Strategies for Greenland Halibut (21-23 February); (2) Fisheries Commission Intersessional, (30 April – 7 May); (3) Scientific Council Working Group on Ecosystem Approach to Fisheries Management (26-30 May); (4) Scientific Council Regular Meeting (Dartmouth, Canada, 5-19 June); Standing Committee on International Control (1-3 July); *Ad Hoc* Working Group of Fisheries Managers and Scientists (8-12 September).

The meeting was attended by over 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
26 September 2008, Vigo, Spain

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

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2009 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
Canada		0	0	0	500	6000	385 ^{2,4}	0	0	16575 ⁵		0
Cuba		0	-	0	1750		385 ^{2,4}	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69 ¹⁹		9627 ^{2,3}	-	-	-		-
European Union		0 ¹¹	0 ¹¹	0 ¹¹	7813 ¹²	7000	9627 ^{2,3} 2503 ^{2,15}	0	0 ¹¹	-		0 ¹¹
France (St. Pierre et Miquelon)		-	-	-	69 ¹⁹		385 ^{2,4}	-	-	340 ⁵		-
Iceland		-	-	-	-		9627 ^{2,3}	-	-	-		-
Japan		-	-	-	400	150	385 ^{2,4}	-	-	-		-
Korea		-	-	-	69 ¹⁹	100	385 ^{2,4}	-	-	-		-
Norway		0	-	-	-		9627 ^{2,3}	-	-	-		-
Russia		0	0	0	9137	6500	9627 ^{2,3}	-	0	-		0
Ukraine						150	385 ^{2,4}					
United States of America		-	-	-	69 ¹⁹		385 ^{2,4}	-	-	-		-
Others		0	0	0	124	100	-	0	0	85 ⁵		0
TOTAL ALLOWABLE CATCH	^{*9}	^{*22}	^{*16,9}	^{*25}	8500 ⁸	20000	12516 ^{10,17}	^{*23}	^{*9}	17000 ^{23,24}	^{*16,9}	^{*20,9}

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹		Shrimp	
					3NO	3LNO	3LMNO	Sub-areas 3+4
Canada	2500	0	2250	1778	N.S. ⁶	24990		
Cuba		0		-	510	334		
Denmark (Faroe Islands and Greenland)		-		206	-	334		
European Union	5000	0 ¹¹	8500	6951 ¹⁸	N.S. ⁶ 611 ¹³	1670 ¹⁴		
France (St. Pierre et Miquelon)		-		194	453	334		
Iceland		-		-	-	334		
Japan		0		1215	510	334		
Korea		-		-	453	334		
Norway		0		-	-	334		
Russia	500	0	2250	1512	749	334		
Ukraine						334		
United States of America		-		-	453	334		
Others	500	-	500	0 ⁷	794	0		
TOTAL ALLOWABLE CATCH	8500	*21,9	13500	11856	34000 ²⁰	30000		*9

* Ban on fishing in force – The provisions of Article 11, paragraph 1.b) shall apply.

- Any quota listed for squid may be increased by a transfer from any “coastal state” as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for Squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.
- The Contracting Parties shall notify the Executive Secretary every second week of catches taken by its vessels from this allocation until accumulated reported catch reaches 50%, after which time weekly notification shall apply. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
- Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.
- Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
- Contracting Parties shall inform the Executive Secretary before 01 December 2008 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 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 1,300 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 4250 tons may be fished before 01 July 2009. 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 11, 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 2009 as compared to 2008, 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 334 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 30,000 tonnes, following their accession to the European Union
15. Allocation of 2,234 tonnes for Lithuania and 269 tonnes to Latvia following their accession to the European Union.
16. Applicable to 2009 and 2010.
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.
19. Notwithstanding the provisions of footnote 8 and without prejudice to future agreements on allocations, these quotas may be fished in their entirety by these Contracting Parties.
20. Applicable to 2009, 2010, and 2011.
21. Applicable until at least 2012.
22. Contracting Parties fishing for other species in Division 3M will be restricted to a cod by-catch limit of 10% by haul and an 8% limit on landings.
23. In lieu of Article 11.1 (a) and (b) of the CEM, the following by-catch provisions for American plaice only in the 3LNO yellowtail fishery shall apply: Contracting Parties fishing for yellowtail flounder allocated under the NAFO allocation table will be restricted to an overall Am. plaice by-catch harvest limit equal to 13% of their total yellowtail fishery as calculated in accordance with Article 11.1 (c). For 2010, the by-catch percentage will increase to 15% unless a Scientific Council projection indicates that this rate is likely to undermine stock recovery or cause an unreasonable delay in reaching B_{lim} , in which case the increase may be subject to a reassessment by the Fisheries Commission"
24. Following the NAFO annual meeting and prior to January 1 of the succeeding year, at the request of the USA, Canada will transfer 1000 tonnes of its 3LNO yellowtail quota to the USA.
25. By-catch of Redfish 3LN in other fisheries is limited to 10%.

Annex I.B
Effort Allocation Scheme for Shrimp Fishery in the
NAFO Regulatory Area Div. 3M, 2009

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.

PART II

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

30th Annual Meeting, 22-26 September 2008
Vigo, Spain

1. Opening by the Vice-Chair

The first session of STACFAD was opened by the Vice-Chair, Bob Steinbock (Canada) on 22 September 2008. The Vice-Chair welcomed delegates and members of the NAFO Secretariat to the meeting and thanked the Spanish authorities for hosting this meeting in beautiful Vigo.

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

2. Election of Chair

The current Vice-Chair, Bob Steinbock (Canada) was elected Chair.

3. Appointment of Rapporteur

Stan Goodick (NAFO Secretariat) was appointed Rapporteur.

4. Adoption of Agenda

At the request of the EU delegate, the provisional agenda was amended to include a new item entitled "Consideration of a NAFO Headquarters Agreement". An item with respect to election of Vice-Chair was also added. The revised agenda was then adopted (Annex 2).

5. Auditors' Report for 2007

The Auditors' 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 once again been engaged to audit the financial statements of the Organization. At the last Annual Meeting it was decided that the current auditors should be replaced in 2008 after having served for four years. Due to the late timing of the decision and to the fact that the Secretariat had already committed the current auditors to begin their process, it was not possible to change at that time. **The Committee recommends that the Secretariat immediately begin the tendering process for a new auditing firm and select a new auditor to begin work in 2009.**

The Committee noted the current requirement of changing the auditors at regular intervals and proposed that this be a maximum term of 3 years. **STACFAD recommends that the NAFO Financial Regulations Rule 7.10 be amended to reflect this.** (Annex 3 - STACFAD W.P. 08/8, revised)

The Senior Finance and Staff Administrator for NAFO presented the Auditors' Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2007.

It was noted in the Auditors' Report that the Organization has a policy not to capitalize its capital assets and has not recorded a liability for separation entitlements, as approved at the annual meeting in September 2007. Otherwise, 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.

It was noted in the Financial Statements that expenditures for the year were approximately \$60,000 lower than the approved budget and that outstanding contributions totalling \$117,543 that had been previously recorded as uncollectible were recovered during the year.

STACFAD recommends that the 2007 Auditors' Report be adopted.

6. Administrative and Activity Report by Secretariat

Under this item, the Executive Secretary highlighted NAFO administrative matters and activities. 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. **Contracting Parties are urged to ensure compliance with this NAFO requirement.**

7. Financial Statements for 2008

The NAFO Senior Finance and Staff Administrator presented the Financial Statements for the fiscal year ending 31 December 2008. It was noted in the Financial Statements that expenditures for the year were projected to slightly exceed the approved budget by \$7,000 or 0.5%. A delay in receiving Denmark's (in respect of the Faroe Islands and Greenland, hereinafter referred to as DFG) nominal catch reports required to calculate the 2008 contributions, necessitated the billing to be issued on the basis of using preliminary figures only. Given that DFG's internal financial regulations do not permit payment based on preliminary data, DFG requested the Secretariat to reissue the billing once final figures were submitted to the Secretariat later in the year. A revised billing was issued to DFG in early September 2008 which resulted in an increase to their billing of \$10,972. The Committee agreed to reflect this adjustment to the other Contracting Parties on the 2009 billing.

Regarding a possible need of adjustments of contributions, Russia proposed that any adjustments be made to the contribution of the following year. **STACFAD recommends an amendment of the NAFO Financial Regulations as follows in italics that should prevent adjustment of financial contributions after the billings are issued:**

4.6 bis. If a Contracting Party has not submitted its nominal catches according to the stipulations in the NAFO Convention Article XVI.3 by the required date, the most recent catch report available from that Contracting Party will be used for the calculation of contributions that are then considered final for that financial year. Subsequent reporting of applicable catches by the Contracting Party will be applied towards the calculation of contributions for the following financial year.

It was noted that NAFO currently has outstanding contributions of \$436,019 from five Contracting Parties (see table below).

	2008	2007	Total
Cuba	\$29,460	-	\$ 29,460
Denmark (in respect of Faroe Islands and Greenland)	173,200	-	173,200
France (in respect of St. Pierre et Miquelon)	31,503	-	31,503
Ukraine	28,586	\$31,623	60,209
USA	141,647	-	141,647
Total	\$404,396	\$31,623	\$436,019

STACFAD once again expressed serious concern about the high level of outstanding contributions.

The delegates from DFG and France (in respect of St. Pierre et Miquelon) informed the Secretariat that their respective payments would be submitted shortly. The USA advised the Committee that it had made a payment in 2008 of \$251,446 and that they have a budgetary commitment in place with respect to its arrears in 2009.

STACFAD recommends that Contracting Parties concerned are strongly urged to take immediate action to meet their financial obligations and bring financial stability to the Organization.

STACFAD recommends that the outstanding contribution from Ukraine (\$31,623) for the year 2007 be deemed uncollectible at the end of the current fiscal year if payment is not received by 31 December 2008 and that this amount be applied against the accumulated surplus. This procedure does not remove Ukraine's financial obligation for the 2007 contribution.

8. Contingency Funds

STACFAD reviewed the serious cash flow challenges faced by NAFO for the past four years due to significant levels of outstanding contributions from some Contracting Parties. As of September 1, 2008, the outstanding contributions amounted to \$436,000 or about one-third of the total billings to Contracting Parties. The level of annual outstanding contributions on December 31 for the past three years has exceeded \$300,000 – up from an amount exceeding \$130,000 for the previous two years. The Secretariat has dealt with the annual cash shortfalls by using the accumulated surplus fund which has been established for this purpose and by borrowing from the termination benefits fund.

As requested by STACFAD, in 2007 the Secretariat provided background information on the possibility of establishing a contingency fund. At the current meeting, the Secretariat repeated its suggestion that a more permanent contingency fund than the accumulated surplus account be implemented and that the level of such contingency fund be set at 50% of the annual budget. The Secretariat explained that two-thirds of the NAFO budget was spent on salaries and that any substantive financial shortcomings would therefore jeopardize the ability of the Organization to compensate its employees. The current level of the accumulated surplus account (20% of the annual budget) has been just sufficient to deal with the present lack of timely financial contributions but could not deal with any additional lack of funds or unforeseen expenses, such as an extraordinary meeting. STACFAD also recognized that it would be prudent for NAFO to have sufficient funds available to wind up the Secretariat/Organization to address such a contingency.

Delegates expressed concerns that those Contracting Parties that pay their contributions are penalized for the non-payment by others and while everyone acknowledged that the Organization had a duty towards its employees, the setup of a contingency fund to compensate for unpaid contributions might give the wrong signal to Parties. In response to concerns expressed by the Executive Secretary, STACFAD agreed that the Secretariat should prioritize cutting services to the Organization before considering cuts to salaries if such a situation ever arose.

STACFAD continued to be 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, an amount representing 20% of the proposed 2009 budget, namely \$323,600, be maintained as the minimum balance in the Accumulated Surplus Account. This should be considered to be an interim measure pending resolution of the current financial situation.

A number of ideas were expressed on how to improve the current situation of delayed payments which would provide some planning security to the Organization. These are all reflected in the recommendations.

STACFAD recommends the following:

- 1. The minimum balance for the accumulated surplus account should continue at the level of 20% of the total budget of 2009 to address non-payment of contributions.**
- 2. The President of NAFO should write letters on behalf of the Organization to those Contracting Parties that are in arrears to express serious concerns and request prompt payment. Similar letters or demarches could also be sent from individual Contracting Parties.**
- 3. Furthermore, if the Contracting Parties in arrears cannot make a firm commitment to honour these arrears promptly, they should provide the Executive Secretary with a finance plan for repayment of the major outstanding amounts that will be circulated to Contracting Parties.**
- 4. NAFO should establish a contingency fund in 2009 for the purpose of covering emergency and unforeseen situations, other than non payment of annual contributions, provided that all current major outstanding contributions are paid by that time. The details of the operation of the contingency fund would be decided at the 2009 Annual Meeting.**

9. Changes to NAFO Staff Rules

- **Equality of Benefits for Internationally Recruited Employees – Installation Allowance (Rule 8.6)**

In 2006, STACFAD agreed to change the installation allowance for relocating internationally recruited employees to a maximum of up to two months net salary. However, General Council deferred the adoption of this recommendation to a later date in view of the financial crisis. In 2007, STACFAD decided that the financial situation was not yet stable enough to again ask for adoption of this recommendation. The issue was re-addressed at the current meeting. Recognizing that the adoption and implementation of the amended Rule 8.6 should not have any financial implications during the next two years, **STACFAD recommends that Staff Rule 8.6 e) be amended as follows: “An installation allowance of up to two months net salary in the case of relocating internationally recruited members of the Secretariat” (STACFAD WP 08/7).**

- **Parental Leave (Rule 6.13)**

The Secretariat informed the Committee that in 2005, when NAFO extensively revised its Staff Rules, NAFO Staff Members did not have access to Canadian Employment Insurance benefits. Since then Canadian staff members have joined the Canadian Employee Insurance Program. To allow the Organization to make full use of the benefits, **STACFAD recommends to amend Staff Rule 6.13 pertaining to maternity and parental leave to reflect the allowances in the Canadian Government (Annex 4 - STACFAD WP 08/2, revised).**

10. Consideration of a NAFO Headquarters Agreement

In view of the process towards entry into force of the amendments to the NAFO Convention, STACFAD considered that it was appropriate to launch the process of concluding a headquarters agreement with the Government of Canada. Canada informed STACFAD that it is prepared to commence discussions on such an agreement. Canada will be requested to provide a draft text to NAFO for its consideration.

To this end, STACFAD recommends that NAFO Contracting Parties consult intersessionally by electronic means on the documentation to be provided by the Executive Secretary (including STACFAD WP 07/3) with a view to developing, by the end of the 2009 Annual Meeting, a text for further consideration leading to future negotiations with Canada.

11. Future changes to the Rules of Procedure as a result of amendments to the NAFO Convention

With the impending adoption/ratification of the amended NAFO Convention and the resulting merger of General Council and Fisheries Commission, it will be necessary for the Organization to amend the present Rules of Procedure. In light of this, the Secretariat had prepared STACFAD Working Paper 08/3. This paper was not meant to be a proposal but merely a way to assist Contracting Parties in their future work. It was suggested that this working paper could be reviewed by the Contracting Parties intersessionally and revisited next year for possible adoption. It should also be noted that any review of the Rules of Procedure for the Scientific Council will be conducted by the Scientific Council.

12. Amendments to GC and FC Rules of Procedure related to Observers

In 1999 NAFO introduced for the first time the possibility for NGOs to participate as observers at non-restricted meetings of the General Council and Fisheries Commission. At the time, the Executive Secretary had been asked to submit a report on the experiences with observers after two years. It was not until 2006 that an NGO had applied for observer status with NAFO and had its application accepted. In light of the positive experience over the last two years with NGOs participation at NAFO meetings, it was proposed that the current rules be amended to accord more permanent observer status to NGOs and to harmonize the relevant rules of the three bodies. The proposed amendments presented by the Secretariat were reviewed by STACFAD and accepted with some minor changes (Annex 5 - STACFAD W.P. 08/4, revised).

STACFAD recommends that NAFO adopt the revised rules to provide for permanent accreditation for approved observers and that information on the current NGO observers is updated every five years.

13. Budget Estimate for 2009

The Secretariat presented the 2009 budget estimate (STACFAD Working Paper 08/4) to the Committee highlighting the following items:

Superannuation and Annuities:

The Secretariat presented STACFAD W.P. 08/9 (Annex 6) explaining that the actuarial valuation (undertaken every 3 years) of the Pension Plan of the International Fisheries Commissions Pension Society (IFCPS) for Employees of Participating Commissions with Headquarters in Canada was completed on 1 January 2008 and concluded that the Organization has a substantial deficit of \$975,000. Under Canadian Regulations, the liability is required to be funded and payment can be amortized over a maximum period of 15 years. Therefore NAFO is required to make annual supplementary payments of \$100,800 per year, for the next 15 years, or until the plan is fully funded. This amount will be partially offset in 2009 given a reduction of the employer's annual contribution.

The major factor that caused the additional liability was the early retirement of six long term NAFO employees since the 2005 valuation. As the pension plan has very few members, any deviations from the assumptions based on statistical averages will have more noticeable effects than in larger plans. Concerns were expressed that the Actuarial Firm and the IFCPS did not anticipate early retirements and take precautionary measures.

STACFAD recommends that the IFCPS be requested to review the current assumptions to take into account the increased possibility of early retirement when considering future assessments.

The Committee was concerned at the increase in the preliminary budget and Contracting Party billings as a result of this extraordinary item. To offset the impact to the 2009 budget, the Secretariat was requested to propose reductions to categories other than salaries and benefits which were implemented by reducing services and operations in a number of areas, including additional help, computer services, equipment, other meetings and travel as well as professional services. These adjustments resulted in savings of \$59,000. This will have the effect that some operations of the Secretariat will not be carried out as required in 2009 but will still allow the core responsibilities of the Secretariat to be undertaken. The US delegate stated the USA is extremely concerned with the budgetary cuts as the Secretariat and its staff should receive adequate funding. The US echoed similar opinions of other delegates that the Organization should recognize that the current cuts are an unusual measure and should not be repeated in future years. The Committee recognized that these cuts are of a short-term nature for 2009 only and should not affect the budget proposal of next year when the Secretariat is expected to include all funds required for its normal operations. In conclusion, STACFAD agreed to the revised budget proposal by the Secretariat which represents a 5.8% increase over the 2008 budget.

STACFAD recommends that the budget for 2009 of \$1,618,000 (Annex 7) be adopted.

A preliminary calculation of billings for the 2009 financial year is provided in Annex 8.

14. Budget Forecast for 2010 and 2011

STACFAD reviewed the preliminary budget forecast for 2010 (\$1,737,000) and 2011 (\$1,840,000) (Annex 9) and approved the forecast in principle. It was noted that the budget for 2010 will be reviewed in detail at the next Annual Meeting. The budget forecast for 2010 and 2011 included an item for recruitment and relocation given that the term of the current Executive Secretary expires in 2010. **STACFAD recommends that the process for recruitment for an Executive Secretary be adopted at the 2009 Annual Meeting.**

15. Adoption of 2009 Staff Committee Appointees

The Secretariat nominated the following people to serve as members of the Staff Committee for September 2008-September 2009: Bill Brodie, Deirdre Warner-Kramer and Bob Steinbock.

STACFAD recommends that General Council appoint the three nominees.

16. Time and Place of 2009 – 2011 Annual Meetings

The Executive Secretary drew the Committee's attention to GC Working Paper 08/4 presented by the NAFO Scientific Council Chair regarding the overlap of NAFO Annual Meeting dates with those of the ICES Annual Science Conference. Most delegates, however, were of the opinion that the current timing of the NAFO Annual Meeting (i.e. third week of September) should remain the same. It was proposed that the Executive Secretary contact ICES to determine its flexibility of changing the date of its Annual Science Conference.

Therefore, as previously agreed, the dates of the 2009 and 2010 Annual Meetings (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:

2009:

Scientific Council	-	21 – 25 September
General Council	-	21 – 25 September
Fisheries Commission	-	21 – 25 September

2010:

Scientific Council	-	20 – 29 September
General Council	-	20 – 24 September
Fisheries Commission	-	20 – 24 September

STACFAD recommends that the dates of the 2011 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	-	19 – 28 September
General Council	-	19 – 23 September
Fisheries Commission	-	19 – 23 September

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

17. Election of Vice-Chair

Deirdre Warner-Kramer (USA) was elected Vice-Chair.

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

No other issues were referred to STACFAD from the General Council.

19. Adjournment

The final session of the STACFAD meeting adjourned on 25 September 2008.

Annex 1. List of Participants

Name	Contracting Party
Bob Steinbock	Canada
Rhonda Hash	Canada
Caterina Ventura	Canada
Toke Hansen	Denmark (in respect of Faroe Islands and Greenland)
Alan Gray	European Union
Christiane Laurent-Monpetit	France (in respect of St. Pierre et Miquelon)
Masatoshi Kusaka	Japan
Odd Gunnar Skagestad	Norway
Temur Tairov	Russian Federation
Deirdre Warner-Kramer	United States of America
Kiki Jenkins	United States of America
Johanne Fischer	NAFO Secretariat
Stan Goodick	NAFO Secretariat
Bev McLoon	NAFO Secretariat
Barry Crawford	NAFO Staff Representative

Annex 2. Agenda

1. Opening by the Vice-Chair, Bob Steinbock (Canada)
2. Election of Chair
3. Appointment of Rapporteur
4. Adoption of Agenda
5. Auditors' Report for 2007
6. Administrative and Activity Report by Secretariat
7. Financial Statements for 2008
8. Contingency Funds
 - Review of Accumulated Surplus Funds
 - Available options to manage emergency cash flow situations
9. Changes to the NAFO Staff Rules
 - Equality of Benefits for Internationally Recruited Employees – Installation Allowance (Rule 8.6)
 - Parental Leave (Rule 6.13)
10. Consideration of a NAFO Headquarters Agreement
11. Future changes to the Rules of Procedure as a result of amendments to the NAFO Convention
12. Amendments to GC and FC Rules of Procedure related to observers
13. Budget Estimate for 2009
14. Budget Forecast for 2010 and 2011
15. Adoption of 2009 Staff Committee Appointees
16. Time and Place of 2009 - 2011 Annual Meetings
17. Election of Vice-Chair
18. Other issues including any questions referred from the General Council during the current Annual Meeting
19. Adjournment

Annex 3. Amendment of Financial Regulation Rule 7.10
(STACFAD W.P. 08/8)

At the 2007 Annual Meeting, STACFAD *requested the Secretariat to draft a recommendation for the next annual meeting regarding a possible ceiling on the consecutive number of years that an auditing firm can be engaged.* In line with this, the Secretariat suggests that Rule 7.10 of the Financial Regulations be amended as follows:

7.10 The Auditors shall serve for a maximum term of three (3) years.

Annex 4. Proposed Amendments to Rule 6.13 of the Staff Rules
(STACFAD W.P. 08/2, Revised)

E. Maternity and Parental Leave

Rule 6.13

Members of the Secretariat who have completed six months of continuous service with NAFO shall be entitled to maternity leave for pregnancy upon presentation of medical certificate and a written application submitted at least four (4) weeks before such absence is to commence for a period not exceeding seventeen (17) weeks. The maternity leave shall begin no earlier than eight (8) weeks before the anticipated date of delivery set out in the medical certificate and shall terminate no later than 17 weeks following the actual date of birth.

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

NAFO will pay the employee a maternity and/or parental allowance equivalent to 93 per cent of his/her gross salary. If a Member of the Secretariat is enrolled in the Canadian Employment Insurance the gross amount of his/her EI benefits will be deducted from this allowance.

In the case of maternity leave, NAFO will pay a maternity allowance for up to a maximum of seventeen (17) weeks. In the case of parental leave, NAFO will pay a parental allowance for up to a maximum of thirty seven (37) weeks. The total aggregated amount of maternity and parental allowance that may be received by one or two employees in relation to the same birth or adoption is fifty two (52) weeks.

During maternity or parental leave the Members of the Secretariat shall continue to receive allowances and benefits based on his/her salary, excluding the accrual of sick or annual leave provided he/she continues to remain in the Organization's employment for a period of at least six (6) months after returning to work. Should he/she fail to return to work for the required six (6) month period he/she shall be indebted to the Organization for the amounts received as maternity or parental leave allowances and benefits. At the expiration of the leave, the employee shall be reinstated to the position prior to the commencement of the leave or where this is not possible, to a comparable position with the same wages and benefits and in the same location.

Annex 5. Revision of Rules of Procedure for Observers
(STACFAD W.P. 08/4, Revised)

Rules of Procedure 9 for the Commission (GC Rule 9, FC Rule 10)

Rule 9

- 9.1 The Executive Secretary shall invite:
- a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or *vice-versa*.
 - b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.
- 9.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all non-restricted meetings of the Commission.
- 9.3. Any NGO desiring to participate as an observer in meetings of the Commission shall notify the Secretariat of its desire to participate at least 100 days in advance of the first meeting it wishes to attend. This application must include:
- a) name, address, telephone, fax number of the organization;
 - b) address of all its national/regional offices;
 - c) aims and purposes of the organization and a statement that the NGO fully supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - d) information on the organization's total number of members, its decision-making process and its funding;
 - e) a brief history of the organization and a description of its activities;
 - f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - g) a history of NAFO observer status granted/revoked;
- 9.4 The Executive Secretary shall review applications received and shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 9.3. If one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.
- 9.5 Observer status shall apply to all non-restrictive sessions of the Commission, whether at the Annual Meeting or at intersessional meetings.
- 9.6 Any NGO with observer status that wishes to attend a Commission meeting is required to register its representatives at the NAFO Secretariat at least *fourteen* days in advance of the meeting.
- 9.7 Any NGO with observer status to the Commission that has not communicated with the Secretariat or attended at least one meeting of the Commission in the previous three years should cease to be an accredited NGO to the Commission but may reapply in writing to the Executive Secretary.
- 9.8 During all NAFO meetings accredited NGOs may not issue press releases or other information to the media on agenda items under discussion at the meeting, until after the Commission has agreed on its own Press Release.
- 9.9 Any NGO admitted to a meeting of the Commission may not use audio or video recording devices etc. to record meeting proceedings.

- 9.10 All observers admitted to a meeting shall comply with these and all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status;
- 9.11 The Executive Secretary will review the accreditation of an approved NGO every five years taking into account any new information or development regarding the NGO since the last accreditation and circulate a summary of the review to Contracting Parties. If one or more of the Contracting Parties object to a renewal of the accreditation of the NGO with NAFO giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Renewal of the accreditation will then be considered as accepted in accordance with the procedures laid down in Article V.2 of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.
- 9.12 Any NGO admitted to a meeting of the Commission may:
- a) attend meetings, as set forth above, but may not vote;
 - b) make oral statements during the meeting upon the invitation of the Chair;
 - c) distribute documents at meetings through the Secretariat;
 - d) engage in other activities as appropriate and as approved by the Chair.
- 9.13 Observers may be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.
- 9.14 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
- 9.15 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
- 9.16 These rules shall be subject to review and revision, as appropriate. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary, amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business

Annex 6. NAFO Pension Plan Unfunded Liability

by NAFO Secretariat

Pension Plan - Unfunded Liability (as at 1 January 2008):

Actuarial Value of Assets	\$3,863,000
Actuarial Value of Liabilities	\$4,838,000
Unfunded Liability	(\$975,000)

Explanation: The NAFO pension plan reaches back to ICNAF times, when such a plan was set up for intergovernmental fisheries organization in North-America to ensure that the employees of these organizations could maintain a living after retirement. The International Fisheries Commissions Pension Society manages the pensions for these organizations through a board of directors that apply all relevant Canadian laws and government regulations for the calculation of contributions, the investments of funds, the payments to the pensioners, etc. The management rules followed by the directors foresee that official statistical figures from Canada are used when calculating the future requirements for funding and payments.

Five NAFO employees who were employed in the 1970s were eligible for retirement after 30 years of employment and opted to retire at an early age (55-58) between 2005 and 2007. Such a large number of early retirees represents a significant deviation from the statistical average in Canada where people typically retire at 65 years. These retirees will receive pension for a much larger number of years than a typical employee with the effect that the NAFO pension plan was suddenly underfunded and is faced with a shortfall of \$975,000.

Canadian regulations require that the pension liabilities or shortfalls be repaid in full in order to meet its future pension payment obligations. The liability may be paid in full by making a one time payment, or may be repaid over a longer period of time (maximum repayment term is 15 years). If the loan is not paid all at once, interest will be charged at a rate of 6.5% which is a low interest rate in Canada.

Options to repayment Periods and Approximate Annual Payments

Repayment Term	Annual Payment	Total Payment	Total Interest (6.5% per year)
1 Year	\$975,000	\$975,000	\$0
2 Years	\$521,000	\$1,042,000	\$67,000
5 Years	\$228,924	\$1,144,620	\$169,620
10 Years	\$132,852	\$1,328,520	\$353,520
15 Years	\$100,800	\$1,512,000	\$537,000

The lowest annual payments are coupled with the longest repayment term and result in a higher overall interest amount (with a constant interest rate of 6.5% per year). Nonetheless, Contracting Parties clearly favoured this option, i.e. a 15 years repayment term.

Required Annual Funding Payment \$100,800

Funding/Payment Term (Maximum) 15 years (2009 to 2024)

In view that Contracting Parties could not prepare for the resulting budgetary increase in 2009, STACFAD requested the Secretariat to reduce other services and operations to significantly compensate for this increase. An amount of \$59,000 from the original budget proposal was therefore cut resulting in an overall much lesser increase of the total NAFO budget of 5.8% in 2009 versus 2008.

The actuarial report from 2008 is accessible on the NAFO member website (General Council/STACFAD).

Annex 7. Budget Estimate for 2009
(Canadian Dollars)

	Approved Budget 2008	Projected Expenditures 2008	Preliminary Budget Forecast 2009	Budget Estimate 2009
1. Personal Services				
a) Salaries	\$829,000	\$838,000	\$862,000	\$884,000
b) Superannuation and Annuities	89,000	87,000	89,000	179,000
c) Medical and Insurance Plans	80,000	76,000	85,000	81,000
d) Employee Benefits	92,000	113,000	103,000	107,000
Subtotal Personal Services	1,090,000	1,114,000	1,139,000	1,251,000
2. Additional Help	20,000	20,000	20,000	15,000
3. Communications	26,000	26,000	27,000	26,000
4. Computer Services	27,000	27,000	28,000	25,000
5. Equipment	36,000	36,000	36,000	31,000
6. Fishery Monitoring	48,000	48,000	48,000	45,000
7. Hospitality Allowance	6,000	3,000	6,000	3,000
8. Materials and Supplies	33,000	33,000	33,000	33,000
9. NAFO Meetings				
a) Sessional	93,000	82,000	88,000	80,000
b) Inter-sessional Scientific	20,000	20,000	12,000	14,000
c) Inter-sessional Other	30,000	29,000	30,000	20,000
Subtotal NAFO Meetings	143,000	131,000	130,000	114,000
10. Other Meetings and Travel	40,000	40,000	41,000	30,000
11. Professional Services	40,000	40,000	40,000	30,000
12. Publications	20,000	18,000	20,000	15,000
	\$1,529,000	\$1,536,000	\$1,568,000	\$1,618,000

Notes on Budget Estimate 2009
(Canadian Dollars)

Item 1(a)	Salaries Salaries budget estimate for 2009	\$884,000
Item 1(b)	Superannuation and Annuities Employer's pension plan which includes employer's contributions, administration costs, and actuarial fees. The latest actuarial valuation of the pension plan showed the plan to be in a deficit requiring an unfunded liability payment.	\$179,000
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 Coverage.	\$81,000
Item 1(d)	Employee Benefits Employee benefits as per the NAFO Staff Rules including overtime, repatriation grant, termination benefits, vacation pay, and travel to home country for internationally recruited members of the Secretariat. Termination Benefits Liability	\$107,000 \$72,000 35,000
Item 2	Additional Support Digitization and translation of NAFO Fisheries Information (e.g. Observer Reports), interns and other assistance as required.	\$15,000
Item 3	Communications Phone, fax and internet services Postage Courier/Mail service	\$26,000 \$13,000 9,000 4,000
Item 4	Computer Services Computer hardware, software, supplies and support.	\$25,000
Item 5	Equipment Leases (print department printer, photocopier and postage meter) Purchases Maintenance	\$31,000 \$21,500 5,000 4,500
Item 6	Fishery Monitoring Vessel Monitoring System (VMS) annual license and maintenance fee Lloyd's Register of vessels	\$45,000 \$45,000

Item 9(a)	NAFO Sessional Meetings June (SC), September (FC, GC and SC) and November (SC), Halifax/Dartmouth, Nova Scotia, Canada.	\$80,000
Item 9(b)	NAFO Inter-sessional Scientific Meetings Invited expert travel costs for an Ecosystem Approach to Fisheries Management Study Group (date/venue to be determined), and the ICES/PICES/UNCOVER symposium on “Rebuilding Depleted Stocks - Biology, Ecology, Social Science and Management Strategies” to be held November 2009 in Warnemünde/Rostock, Germany.	\$14,000
Item 9(c)	NAFO Inter-sessional Other General provision.	\$20,000
Item 10	Other Meetings and Travel International Meetings regularly attended by the NAFO Secretariat: <ol style="list-style-type: none"> 1. Aquatic Sciences and Fisheries Abstracts (ASFA) 2. Co-ordinating Working Party on Fishery Statistics (CWP), including the attendance by the Vice Chair of SC 3. Fisheries Resources Monitoring Systems (FIRMS) 4. International Fisheries Commissions Pension Society (IFCPS) 5. NEAFC Advisory Group for Data Communication (AGDC) 6. Regional Fishery Body Secretariats Network (RSN) 7. Secretariats of the North Atlantic Regional Fisheries Management Organizations (NARFMO) <p>Plus other not yet determined meetings</p>	\$30,000
Item 11	Professional Services Professional Services (audit, consulting, legal fees, and insurance) Professional Development and Training Public Relations	\$30,000 \$18,000 7,000 5,000
Item 12	Publications Production costs of NAFO publications which may include the following: 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.	\$15,000

Annex 8. Preliminary calculation of billing for Contracting Parties against the proposed estimate of \$1,618,000 for the 2009 financial year (based on 12 Contracting Parties to NAFO)

(Canadian Dollars)

Budget Estimate	\$1,618,000
Deduct: Amount from Accumulated Surplus Account (pending approval from General Council)	<u>\$180,200</u>
Funds required to meet 2009 Administrative Budget	<u>\$1,437,800</u>

60% of funds required =	\$862,680
30% of funds required =	\$431,340
10% of funds required =	\$143,780

Contracting Parties	Nominal Catches for 2006	% of Total Catch in the Convention Area			30%	60%	2009 Preliminary Billing
		10%	30%	60%			
Canada (1)	542,408	53.43%	\$82,245.35	\$35,945.00	\$460,929.93	\$579,120.28	
Cuba (2)	2,728	0.27%	-	35,945.00	2,329.24	38,274.24	
Denmark (in respect of Faroe Islands and Greenland) (3)	192,661	18.98%	29,213.19	35,945.00	163,736.66	228,894.85	
European Union	45,062	4.44%	-	35,945.00	38,302.99	74,247.99	
France (in respect of St. Pierre et Miquelon)	2,609	0.26%	395.60	35,945.00	2,242.97	38,583.57	
Iceland	4,054	0.40%	-	35,945.00	3,450.72	39,395.72	
Japan	1,886	0.19%	-	35,945.00	1,639.09	37,584.09	
Republic of Korea	-	-	-	35,945.00	-	35,945.00	
Norway	2,314	0.23%	-	35,945.00	1,984.16	37,929.16	
Russian Federation	10,242	1.01%	-	35,945.00	8,713.07	44,658.07	
Ukraine	404	0.04%	-	35,945.00	345.07	36,290.07	
United States of America (1)	210,551	20.75%	31,925.86	35,945.00	179,006.10	246,876.96	
	1,014,919	100.00%	\$143,780.00	\$431,340.00	\$862,680.00	\$1,437,800.00	
Funds required to meet 1 January - 31 December 2009 Administrative Budget						<u>\$1,437,800.00</u>	

(1) Based on 2006 provisional catch reports.

(2) Based on provisional catch reports received from chartering arrangements.

(3) Faroe Islands = 3,461 metric tons
Greenland = 189,200 metric tons (based on 2005 catch reports)

2008 Billing - Comparison Purposes		2008 Assessment
Approved Budget 2008	\$ 1,529,000.00	\$470,796.72
Deduct amount from Accumulated Surplus	<u>266,598.00</u>	29,459.88
Deduct: Recovery of Ukraine and USA's 2005 Contributions	<u>1,262,402.00</u>	173,200.43
	117,543.00	65,614.62
Funds required 2008 Budget	\$ 1,144,859.00	

2008 Annual Assessment	Less Recovery of Contributions	2008 Assessment after Recovery of Contributions
\$517,654.99	(\$46,858.27)	\$470,796.72
32,468.98	(3,009.10)	29,459.88
190,166.86	(16,966.43)	173,200.43
72,234.64	(6,620.02)	65,614.62
34,867.94	(3,364.76)	31,503.18
36,634.91	(3,439.30)	33,195.61
32,999.19	(3,058.46)	29,940.73
31,560.05	(2,938.58)	28,621.47
33,074.93	(3,756.68)	29,318.25
44,512.29	(4,095.20)	40,417.09
31,560.05	(2,973.84)	28,586.21
204,667.17	(20,462.36)	184,204.81
\$1,262,402.00	(\$117,543.00)	\$1,144,859.00

**Annex 9. Preliminary Budget Forecast for 2010 and 2011
(Canadian Dollars)**

	Preliminary Budget Forecast 2010	Preliminary Budget Forecast 2011
1. Personal Services		
a) Salaries	\$921,000	\$936,000
b) Superannuation and Annuities	181,000	182,000
c) Medical and Insurance Plans	94,000	95,000
d) Employee Benefits	94,000	102,000
Subtotal Personal Services	1,290,000	1,315,000
2. Additional Help	20,000	20,000
3. Communications	27,000	27,000
4. Computer Services	29,000	30,000
5. Equipment	36,000	36,000
6. Fishery Monitoring	48,000	48,000
7. Hospitality Allowance	3,000	3,000
8. Materials and Supplies	33,000	34,000
9. NAFO Meetings		
a) Sessional	92,000	89,000
b) Inter-sessional Scientific	14,000	14,000
c) Inter-sessional Other	25,000	25,000
Subtotal NAFO Meetings	131,000	128,000
10. Other Meetings and Travel	42,000	42,000
11. Professional Services	40,000	40,000
12. Publications	16,000	17,000
13. Recruitment and Relocation	22,000	100,000
	\$1,737,000	\$1,840,000

SECTION III
(pages 107 to 188)

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(STACTIC), 30th Annual Meeting
22-26 September 2008
Vigo, Spain**

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PART I

Report of the Fisheries Commission

(FC Doc. 08/22)

30th Annual Meeting, 22-26 September 2008

Vigo, Spain

I. Opening Procedure (*Agenda items 1-4*)

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

The meeting was opened by the Chair, Vladimir Shibanov (Russia), at 11:00 hrs on Monday, September 22, 2008. Representatives from the following Contracting Parties (CPs) were in attendance: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland) (DFG), the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russian Federation, Ukraine, and the United States of America (USA) (Annex 1).

Representatives from the Food and Agriculture Organization of the United Nations (FAO), Ecology Action Centre (EAC) and the World Wildlife Fund–Canada (WWF) were also present as Observers. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and South-East Atlantic Fisheries Organisation (SEAFO) were represented by the European Union, the North Atlantic Marine Mammal Commission (NAMMCO) was represented by Iceland, and the North East Atlantic Fisheries Commission (NEAFC) was represented by DFG.

2. Appointment of Rapporteur

Ricardo Federizon, Fisheries Commission 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 (FC) (Annex 2).

3. Adoption of Agenda

Three new items were added to the provisional agenda previously circulated: Cod Management Policy and Quota Transfers, as suggested by the EU, and Conduct of Fisheries regarding Bycatch of Recovering Moratorium Species, as suggested by Canada. The adopted agenda reflecting these additions is presented in Annex 3.

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

The Chair of the Standing Committee on International Control (STACTIC), Mads Trolle Nedergaard (DFG) presented the results of STACTIC July 2008 meeting (FC Doc 08/5). He outlined the pending proposals which would be further discussed in this meeting. The Fisheries Commission commended STACTIC for the great strides it has made at the intersessional meeting and encouraged STACTIC to continue its work and finalize the recommendations on Port State Measures. It was decided that the recommendations from the intersessional meeting would be forwarded to the Fisheries Commission together with the recommendations from this Annual Meeting (see item 16).

II. Administrative (*Agenda item 5*)

5. Review of Commission Membership

It was noted that the membership of the Fisheries Commission was currently twelve (12). All Contracting Parties have voting rights in 2008.

III. Scientific Advice (Agenda items 6-7)

6. Consideration of the scientific assessments (Monday)

a) Presentation of scientific advice by the Scientific Council (SC) Chair

- Scientific Advice on fish stocks

The SC Chair, Don Power (Canada), presented a summary of scientific advice to the Fisheries Commission. The SC Chair indicated that the scientific advice of particular stocks include comments and caveats. He urged FC to consult the relevant SCS documents when considering management and conservation measures of the fish stocks. Details of the scientific advice for shrimp stocks are contained in SCS Doc 07/24 from the November 2007 meeting and confirmed at this meeting (FC WP 08/28). Details of the scientific advice for other fish stocks are contained in SCS Doc 08/19 from the June 2008 SC meeting.

The following stocks were fully assessed including elaboration of scientific advice and recommendations for 2009:

- **Shrimp in Division 3M.** Exploitation level for 2009 should not exceed the 2005 and 2006 levels. This corresponds to catches in the range of 17 000 to 32 000 t.
- **Shrimp in Divisions 3LNO.** The current TAC of 25 000 t, corresponding to 13.6% exploitation level, should be maintained. Current restriction of fishery to 3L and use of sorting grates be continued.
- **Cod in Division 3M.** In order to allow spawning biomass to grow above B_{lim} with a high probability in the near future, SC recommended no directed fishery in 2009. Bycatch on the Flemish Cap should be kept at a low level.
- **Greenland halibut in Subarea 2 + Divisions 3KLMNO.** To provide a consistent increase of the 5+ exploitable biomass, it is recommended that fishing mortality should be reduced to a level not higher than $F_{0.1}$. Projection of the 5+ biomass and yield at $F_{0.1}$ level is presented in Table 1. In this projection calculations, it is assumed that the catch for 2008 corresponds to status quo fishing mortality (24 150 t). There are concerns regarding the young age-structure of the stock.

F _{0.1}			
Year	5+ Biomass (t)	Yield (t)	Fbar (5-10)
2008	79050	24154	0.432
2009	67937	10471	0.180
2010	71477	10652	0.180
2011	80184	10389	0.180
2012	90180	10755	0.180
2013	100757		

Table 1- Projection of the 5+ biomass and yield at $F_{0.1}$ level.

- **Redfish in Divisions 3LN.** The total catch in 2009 should not exceed 3 500 t. This total catch should include any directed catches and all bycatches taken in other fisheries. (*Note: Scientific advice was provided in 2007 applicable in years 2008, 2009, 2010. At the request of FC at the 2007 Annual Meeting, SC provided a full assessment of this stock in June 2008. Before making a recommendation for 2010, SC will review this in 2009 when the catch in 2008 is known.*)

The following stock was assessed on the basis of an interim monitoring report owing to difficulties in identifying a designated expert:

- **Northern shortfin squid (*Illex*) in Subareas 3 and 4.** The advised TAC for 2009 should be in the range of 19 000 t and 34 000 t.

The following stocks were fully assessed including elaboration of scientific advice for 2009 and 2010:

- **Thorny skate in Divisions 3LNOPs.** Catches should not exceed 6 000 t (the average catch during the past three years) in Divisions 3LNOPs.
- **Yellowtail flounder in Divisions 3LNO.** The SC noted that this stock is well above B_{msy} , and recommended any TAC option up to 85% F_{msy} .

The following stocks were fully assessed including elaboration of scientific advice for 2009, 2010, and 2011:

- **Witch flounder in Divisions 3NO.** No directed fishing to allow stock rebuilding. Bycatch in fisheries targeting other species should be kept at the lowest possible level.
- **American plaice in Division 3M.** No directed fishing. Bycatch in fisheries targeting other species should be kept at the lowest possible level.

On the following stocks, scientific advice was provided in 2007 (for 2008 and 2009). The Scientific Council reviewed the status of these stocks at the June 2008 meeting, and found no significant change to alter the advice:

- **American plaice in Divisions 3LNO.** No directed fishery. Efforts should be made to reduce current levels of bycatch.
- **Redfish in Division 3M.** TAC should not exceed 5 000 t in order to maintain low fishing mortality so as to promote female spawning stock recovery.
- **White hake in Divisions 3NOPs.** Current TAC of 8 500 t is not sustainable. Catches should not exceed current level.
- **Capelin in Divisions 3NO.** No directed fishery.

On the following stocks, scientific advice was provided in 2007 (for 2008, 2009, and 2010). The Scientific Council reviewed the status of these stocks at the June 2008 meeting, and found no significant change to alter the advice:

- **Redfish in Division 3O.** SC is unable to give TAC advice for years 2008-2010 due to insufficient information on which to base predictions of annual yield potential.
- **Cod in Divisions 3NO.** No directed fishery. Efforts should be made to reduce current levels of bycatch.
- **Witch flounder in Divisions 2J + 3KL.** No directed fishery. Efforts should be made to reduce current levels of bycatch.

The SC Chair also presented recommendations and comments on the following topics as requested by FC (see pp. 24-25 and pp. 29-30 of SCS Doc. 08/19 for details):

- **The Precautionary Approach.** The reference points indicated in the FC request, and the analyses of risk and associated projections were being applied to individual stock assessments where possible.
- **Evaluation of Recovery Plans.** “This request for advice is addressed for Greenland halibut in Subarea 2 and Divisions 3KLMNO under agenda item X.3 *Report of the SC Study Group on Evaluation Strategies for Greenland Halibut* and also under agenda item VII.1.a in the Scientific Council summary sheet *Greenland Halibut in Subarea 2 and Divisions 3KLMNO.*”
- **Review of pelagic redfish distribution and stock affinities.** “Scientific Council notes that no new information was analyzed on the spatial distribution and stock affinities of pelagic redfish since this request was last reviewed by Scientific Council in June 2006 (*NAFO Sci. Coun. Rep.*, 2006, p. 22-24). The lack of understanding of the biology and stock affinities

leads to difficulties in the stock assessment and uncertainties associated with the catch advice. Because of this, ICES has noted that a review of the most recent information on stock identification of redfish will be carried out by an expert group in early 2009. Scientific Council noted the importance of improving our understanding of the stock structure and biology of *S. mentella*.”

- **Cod bycatch reduction measure.** SC had conducted a scenario analysis of cod bycatch from the yellowtail fishery in Divisions 3NO. One scenario is: If fishing did not occur in months 6-11 and the total annual catch (current level) was concentrated in the other months, cod bycatch would be reduced by 85%. The SC Chair also presented other scenarios where fishing is reduced or stopped in certain months of the year and re-distributed in other months. Other scenarios gave lower bycatch reductions. It was noted that there may be other measures, such as gear modification, that could be effective at avoiding bycatch. The SC will discuss this with ICES for inclusion in the ICES-FAO Working Group on Fishing Technology and Fish Behaviour (WGFTFB) agenda at their next meeting.

- **Ecosystem Considerations**

- **Porbeagle shark** SC considered that there is no current threat to porbeagle from trawler bycatch in NAFO regulated fisheries. However, increases in porbeagle catch by pelagic longlines in the NAFO Regulatory Area was of considerable concern (see pp. 26-28 of SCS Doc. 08/19 for details).
- **Vulnerable Marine Ecosystems (VMEs).** The SC Chair indicated that the SC response on the FC request concerning VMEs was first presented at the inaugural meeting of the FC-Ad Hoc Working Group of Fishery Managers and Scientists (WGFMS) in September 2008 in Montreal, Canada (see item 12). He referred to the SC June 2008 meeting report (pp. 30-42 of the SCS Doc 08/19) as well as the report of the SC Working Group on Ecosystem Approach to Fisheries Management (WGEAFM) which met in May 2008 (SCS Doc 08/10).

Drawing on the criteria given by FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (hereafter referred to as FAO Guidelines) on the identification of VMEs, as well as the best scientific data available (e.g. research surveys, observer data), the SC identified eight areas as potential candidates for VMEs. It was noted that the VME boundaries identified so far are preliminary, based on broad-scale distribution information, and that high resolution habitat mapping would be required to identify VME boundaries with greater certainty. It was also clarified that the SC had not discussed closures for the candidate VMEs but that it left open what type of mitigation measures might be appropriate for VMEs within each of these areas.

- **Other issues (as determined by SC Chair)**

The concept of “Management Strategy Evaluation (MSE)” was introduced. This concept describes a novel approach in the understanding and evaluating the interactions among various management strategies against a background of uncertainty and trade-offs. This required a multi-stakeholder approach and hence collaboration among the user groups. Details of MSE, including the mechanism, are contained in NAFO SCS Doc. 08/13.

b) Feedback to the Scientific Council regarding its work during this Meeting

Questions and enquiries for further clarification arose in response to the SC Chair’s presentation, to which the SC prepared responses during the meeting. The questions and responses concerning shrimps in Divisions 3LNO on TAC, exploitation levels, and distribution were compiled in FC WP 08/30 presented in Annex 4. Enquiries concerning the robustness of models used in the Greenland halibut evaluation and biomass trajectories were included as item 10 of the FC Request to the SC for Scientific Advice (FC WP 08/41 Revision 2 presented in Annex 5, see also item 7 of this report). The enquiry on the consequences of decreasing mesh size in the midwater trawl redfish fishery in Division 3M (FC WP 08/38) was also included as item 13 of the FC Request.

7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2010

FC **adopted** FC WP 08/41 Revision 2 containing its request to the SC for scientific advice and information. The request contained, among others, scientific information on VMEs (Annex 5).

IV. Conservation of Fish Stocks in the Regulatory Area (*Agenda items 8-11*)

The Quota Table for 2009 and the Effort Allocation Scheme for the Shrimp Fishery in NAFO Division 3M can be found in Annex 7 of this Report.

8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2009

8.1 Cod in Division 3M

It was decided that there will be no directed fishery of this stock. FC **adopted** FC WP 08/45 which stipulates bycatch provisions concerning this stock (Annex 6). This provision was inserted as footnote 22 in the Quota Table (Annex 7).

8.2 American plaice in Division 3M

There will be no directed fishery applicable in years 2009, 2010, and 2011. Bycatch provisions as stipulated in Article 11, paragraph 1.b) in the NAFO Conservation and Enforcement Measures (CEM) shall apply.

8.3 Shrimp in Division 3M

It was decided that the management regime of effort allocation in place for 2008 will continue to be applied in 2009. There was no agreement regarding the management of this stock. Iceland maintained its previous position that the provisions and measures in the NAFO CEM concerning this stock do not ensure that the effort catch limit will be in line with the scientific advice if countries will fully utilize their fishing days. The Fisheries Commission noted Iceland's reservation.

The Fisheries Commission requested STACTIC to review, at its next intersessional meeting, the relevant provisions of Chapter III (Monitoring of Fisheries), including Annex VIII (Recording of Catch) of the CEM related to measures for reporting in shrimp fisheries and to recommend any necessary improvements (FC WP 08/39, Annex 8). This request is also applicable to shrimp in Divisions 3LNO.

9. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2009

9.1 Witch flounder in Divisions 3NO

Following the SC advice, there will be no directed fishery applicable in years 2009, 2010, and 2011. Bycatch provisions as stipulated in Article 11, paragraph 1.b) in the NAFO CEM shall apply.

9.2 Yellowtail flounder in Divisions 3LNO (PA Framework)

The TAC is set at 17 000 t for 2009 with the same allocation formula (percentages used in determining quotas) as in 2008. Two new footnotes were inserted in the 2009 Quota Table (Annex 7): footnote 23 regarding bycatch provisions (FC WP 08/44, Annex 9), and footnote 24 regarding the quota transfer (FC WP 08/43, Annex 10).

9.3 Redfish in Divisions 3LN

It was decided that the moratorium shall continue in 2009. The **adopted** FC WP 08/45 (Annex 6) amending Article 11.1.(a) of the CEM and specifying bycatch provisions to be applicable in years 2009 and 2010.

Footnote 25 of the 2009 Quota Table was inserted: By-catch of Redfish 3LN in other fisheries is limited to 10%.

9.4 Redfish in Division 3O

It was decided that the TAC of 20 000 t and the allocation scheme of 2008 be continued in 2009.

9.5 Thorny skate in Divisions 3LNO

It was decided that the TAC of 13 500 t and the allocation scheme of 2008 be continued in 2009.

The Fisheries Commission considered the advice of the Scientific Council for a “not to exceed 6 000 t TAC” for 2009 and 2010. Noting that the nominal catches in recent years have been at this level and that the biomass was increasing, the Fisheries Commission decided to rollover the 2008 TAC of 13 500 t for 2009. The conservation and management measures for 2010 will be discussed at the Fisheries Commission 2009 Annual Meeting in the light of the scientific information and advice on the stock and development in the fishery.

9.6 Greenland halibut in Subarea 2 and Divisions 3KLMNO

The Greenland halibut TAC is set at 16 000 t (11 856 t in Divisions 3LMNO), the same as in 2008. In making the decision, the Fisheries Commission acknowledged the information and advice received from the Scientific Council. The Fisheries Commission requested that in the next assessment of this stock, the Scientific Council complete an evaluation of alternate assessment models for this stock. This evaluation will enable the determination of the robustness of the assessment currently used (see also item 10, Annex 5).

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

The TAC is set at 34 000 and the allocation scheme is maintained. The provisions are applicable in years 2009, 2010, and 2011.

9.8 Shrimp in Divisions 3LNO

It was decided to fix the TAC at a level of 30 000 t for 2009, an increase from 25 000 t in 2008. The allocation formula of 2008 will apply also in 2009. There was no agreement on the allocation for 2009. A reservation by Denmark (in respect of Faroes and Greenland) on the allocation, as in previous years, was noted.

The Fisheries Commission **adopted** FC WP 08/11 amending Article 14. The amendment relates to the abolition of the fishing prohibition during the period 1 April – 30 June and to the “one vessel per each flag State Contracting Party” limitation (Annex 11).

STACTIC was requested to re-evaluate the existing management measures concerning shrimp, particularly in relation to the problem of misreporting of shrimp catches in Division 3M and Divisions 3LNO (see item 8.3).

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

It was decided to fix the TAC at a level of 12 516 t for 2009. The 2008 allocation scheme will apply also in 2009.

9.10 Porbeagle shark

Noting the concern of longline fishery bycatches threatening the stock in the North Atlantic, it was agreed that this matter be brought to the attention of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The NAFO President was asked to write to ICCAT urging ICCAT to take necessary conservation measures to protect this stock.

10. Cod Management Policy

In light of the positive indicators that some moratorium species, e.g. cod in Division 3M, are on the path of recovery, the EU initiated discussion on the need for a management framework that should guide the Fisheries Commission in making new decisions on management measures concerning moratoria stocks.

It was acknowledged that this is a complex issue and that more ideas and discussions are required to approach this matter in a cautious and prudent manner. In this regard, the Secretariat was instructed to gather the archives concerning the management measures on moratoria stocks and to present the information to the Fisheries Commission. Canada indicated that as a start, the existing bycatch provisions should be re-examined (see item 11).

11. Conduct of fisheries regarding bycatch of recovering moratorium species

Canada presented a proposal concerning bycatch requirements in a mixed fishery (FC WP 08/32 Rev). This proposal provided guiding principles to the Fisheries Commission in making decisions, e.g. development of bycatch strategy on a case-by-case basis. The proposal was **adopted** (Annex 12) and new bycatch provisions on the moratoria stocks cod in Division 3M, American plaice in Divisions 3LNO (as bycatch of yellowtail fishery in Divisions 3LNO), and redfish in Divisions 3LN were applied (see footnotes 22, 23, and 25 of the 2009 Quota Table).

V. Ecosystem Considerations (*Agenda items 12 -14*)

12. Report of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs

Bill Brodie (Canada), Chair of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs (WGFMS) presented the report of the working group which met in Montreal, Canada in September 2008 (FC Doc. 08/8). The report contains recommendations concerning the protection of VMEs towards NAFO's fulfillment of UNGA Resolution 61/105. The recommendations cover, among others, required scientific information, additional seamounts for closure, an Exploratory Fishing Protocol, and encounter protocols for new and existing fishing areas.

Deliberations on the recommendations center on the issue of time-constraints, scientific information and indicator species, quantification of thresholds, and "move-away" criteria during VME encounters.

The Fisheries Commission clarified that the Ad Hoc Working Group and the Scientific Council should work in tandem in their respective roles regarding VMEs, including review of each other's meeting reports. With respect to scientific information, the EU announced that it will start implementing a research program in the summer of 2009 on mapping the seabeds, and welcomed the cooperation of other Contracting Parties on this endeavour.

A working paper titled "Preliminary Assessment of the Risk of Significant Adverse Impact (SAI) of Fishing Activities in the NAFO Regulatory Area" (FC WP 08/37 Revision 3) was prepared encapsulating the recommendations and comments arising from the deliberation of the WGFMS. The proposals contained in this paper were **adopted** (Annex 13).

In adopting the recommendations, the Fisheries Commission echoed the affirmation of the working group in its strong commitment to implement the internationally agreed standards to protect VMEs from significant adverse impacts, as identified under UNGA 61/105 and the FAO guidelines. It was understood that this will be an ongoing process and that the work in 2008 represents what can be done with the information and resources available. This work will continue beyond 2008 as information and experience expands.

Iceland gave the following statement: Iceland is of the opinion that including sponges in the encounter protocol at this stage is premature as we need to improve the scientific knowledge about them. The Fisheries Commission has made a request to the Scientific Council to do this during 2009. On the other hand Iceland considers it of utmost importance to fulfill the UNGA Resolution 61/105 by the end of 2008. Therefore in the spirit of compromise Iceland is willing to drop the brackets around sponges and include them in this interim

protocol. Iceland is also concerned about the figure of two (2) nautical miles move-away from the end tow when encountering VMEs in existing fishing areas. There is no basis for this figure and this clause is one of many elements that we might want to consider in the future.

13. Identification of existing bottom fishing areas (Footprint)

In compliance with Article 2 of Chapter I bis of the CEM, the Secretariat prepared a composite plot of the footprint based on the existing bottom fishing areas submission of Contracting Parties and flag States and on VMS records available to the Secretariat (FC WP 08/25). This was reviewed by the Scientific Council for comments (FC WP 08/36). It was observed that the preliminary map shows presence of anomalous bottom locations and this was likely due to errors in the data. For example, the areas of bottom fishing activity beyond 2 000 meters (considered as new bottom fishing areas) appeared on the map.

Based on this observation, it was suggested that the submissions be given in a standardized format, e.g. series of coordinate of points where vessels fished (FC WP 08/33). The Chair requested the Contracting Parties to submit or re-submit their respective footprint data in consideration of these observations and comments.

14. Other considerations (e.g. turtles, seals)

The Secretariat presented a progress report on the submission of turtle-fisheries interaction in the NAFO Convention Area from Contracting Parties (FC WP 08/24). According to the Resolution to Reduce Sea Turtle Mortality in NAFO Fishing Operations adopted in 2006, Contracting Parties should provide to the NAFO Secretariat information detailing sea turtle fishery interaction, 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.

The progress report was noted, and Contracting Parties were requested to diligently provide updates to the Secretariat. In accordance with the Resolution, it was agreed that the Secretariat will prepare a report and submit to FAO before 2009 on the progress of NAFO in applying the Resolution.

Concerning seals, the Secretariat informed FC that the symposium “The Role of Mammals in the Ecosystem in the 21st Century” will take place in Dartmouth, Nova Scotia right after this meeting. The symposium is co-sponsored by NAFO, International Council for the Exploration of the Sea (ICES), and North Atlantic Marine Mammal Commission (NAMMCO). Denmark (in respect of Faroes and Greenland) indicated that this is a timely symposium, considering the significant role of seals in the ecosystem of the Northwest Atlantic. In this regard, the outstanding request to the Scientific Council for an update of the overview of present knowledge of seals taking into account the proceedings of the symposium was reiterated (see item 14 of Annex 5).

VI. Conservation and Enforcement Measures (Agenda items 15 -17)

15. Review of Chartering Arrangements

A report on the chartering arrangements was presented by the NAFO Secretariat (FC WP 08/22). There were four (4) charter arrangements made in 2008. The requirement of reporting the actual termination date of the arrangement was not complied with. The requirements concerning documentation and catch reporting were complied with.

16. Report of STACTIC (from July 2008 intersessional meeting and current Annual Meeting)

The July 2008 intersessional meeting report was presented under item 4.

The STACTIC Chair presented the STACTIC Report (see Part II of this Report) with the following recommendations for adoption and acceptance:

- a) Port State Control Scheme (STACTIC WP 08/1 Revision 4, Annex 14);
- b) Product Labelling Requirements (STACTIC WP 08/8 Revised, Annex 15);
- c) Standardization of Terms used in the CEM (STACTIC WP 08/15, Annex 16);

- d) Obligations of Vessel Masters during Inspection (STACTIC WP 08/16 Revised, Annex 17);
- e) Large-mesh (modified Polish-type) Topside Chafers (STACTIC WP 08/17, Annex 18);
- f) Increased reporting frequency of VMS positional data (STACTIC WP 08/18);
- g) Annual Compliance Review 2008 (STACTIC WP 08/20 Revision 2, Annex 19).

The Fisheries Commission **adopted** all recommendations, except recommendation f). The EU indicated that it was not ready to enforce an increased reporting frequency of VMS positional data on its vessels. The matter of increased reporting frequency was deferred to the 2009 Annual Meeting of the FC.

During the deliberation on this item, the USA informed the Fisheries Commission that in June through August 2008, US Coast Guard officers joined Canadian Coast Guard vessels during patrols of the NAFO Regulatory Area. During four separate two-week patrols, a total of 24 joint inspections were conducted. These joint inspections have further strengthened the USA participation in NAFO and fostered a greater understanding of each others' enforcement methods. The USA thanked Canada for their assistance in arranging these joint efforts and indicated that it intends to continue with the joint inspection program in future years.

17. Quota Transfers

The Fisheries Commission **adopted** FC WP 08/31 (Annex 20) stipulating a new procedure for quota transfers between Contracting Parties, replacing the traditional procedure of finalizing the transfer through a mail vote. Although supportive of streamlining procedures, DFG reiterated its general reservation regarding the transfer of fishing shares that are not the result of an agreed allocation, such as 3L shrimp.

VII. Closing Procedure (*Agenda items 18 - 21*)

18. Election of Vice-Chair

Kate Sanderson (Denmark in respect of the Faroe Islands and Greenland) was re-elected Vice-Chair of the Fisheries Commission.

19. Time and Place of the Next Meeting

The decision was deferred to the General Council.

20. Other Business

The EU expressed displeasure that its position regarding VMEs in the middle of the negotiations was misrepresented outside the meeting by a Non-government Organization with observer status at this meeting. In view of this misrepresentation, it was recommended that current Rules of Procedure governing observers should be reviewed.

21. Adjournment

The meeting was adjourned at 11:00 hrs on Friday, 26 September 2008.

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**Annex 2. Record of Decisions by the Fisheries Commission
(Annual Meeting 2008)**

Substantive Issues (Agenda item):	Decision/Action:
6. Scientific Advice	Noted Scientific Council Chair's report.
7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2010	Adopted FC WP 08/41 Rev.2.
8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2008	(see 2009 Quota Table)
8.1 Cod in Division 3M	No directed fishery. Adopted FC WP 08/45 re bycatch limits of 10% by haul and 8% in landing.
8.2 American Plaice in Division 3M	No directed fishery. Applicable in years 2009, 2010, 2011
8.3 Shrimp in Division 3M	The 2008 provisions for this stock will be continued in 2009. The reservation of Iceland on this decision is noted. Adopted FC WP 08/39 re request to STACTIC to review relevant provisions of CEM related to catch reporting measures related to shrimp.
9. Management of Technical Measures for Fish Stocks Straddling National Fishing Limits, 2008	(see 2009 Quota Table)
9.1 Witch flounder in Divisions 3NO	No directed fishery. Applicable in years 2009, 2010, and 2011. By-catch provisions of Article 11 of the NAFO CEM apply.
9.2 Yellowtail flounder in Divisions 3LNO (PA framework)	TAC is 17000 t. Allocation scheme is maintained. Adopted FC WP 08/43 re quota transfer. Adopted FC WP 08/44 re increase of American plaice bycatch limit.
9.3 Redfish in Divisions 3LN	No directed fishery. Adopted FC WP 08/45 re applicability of Article 11.1.a in years 2009 and 2010.
9.4 Redfish in Divisions 3O	TAC of 20 000t and allocation scheme are maintained.
9.5 Thorny skate in Divisions 3LNO	TAC of 13 500 t and allocation scheme are maintained.
9.6 Greenland halibut in Subarea 2 and Divisions 3KLMNO	TAC of 16 000 t (11856 t in 3LMNO) and allocation scheme are maintained.

9.7 Squid (<i>Illex</i>) in Subareas 3 and 4	TAC of 34 000 t and allocation scheme are maintained. Applicable in years 2009, 2010, and 2011.
9.8 Shrimp in Divisions 3LNO	TAC is 30 000 t . Allocation scheme is maintained. The reservation of Denmark (in respect of Faroe Islands and Greenland) on the allocation scheme was noted. Adopted FC WP 08/11 re lifting of spring closure and one-vessel limitation. Adopted FC WP 08/39 re request to STACTIC to review relevant provisions of CEM related to catch reporting measures related to shrimp.
9.9 Pelagic <i>Sebastes mentella</i> (oceanic redfish) in the NAFO Convention Area	TAC of 12 516 t and allocation scheme is the same as in 2008.
9.10 Porbeagle	Noted the concern of longline fisheries bycatches threatening the stock in the North Atlantic. NAFO will contact ICCAT.
11. Conduct of fisheries regarding bycatch of recovering moratorium species	Adopted FC WP 8/32 Rev. re bycatch requirements in mixed fisheries.
12. Report of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs	Adopted FCWP 08/37 Rev. 3 re assessment of the risk of SAI of fishing activities in the NRA. <ul style="list-style-type: none"> • Amendment of Chapter 1 bis re Definitions • Inclusion of Fogo Seamounts as closed areas • Exploratory Protocol for New Fishing Areas • New Article 5 Chapter 1 bis re Interim Encounter Provision
15. Review of Chartering Arrangements	Noted FC WP 08/22.
16. Report of STACTIC (from July 2008 intersessional meeting and current Annual Meeting)	Adopted STACTIC WP 08/1 Rev.4 re Port State Control Adopted STACTIC WP 08/8 Rev. re Product Labelling Adopted STACTIC WP 08/15 re Standardization of Terms Adopted STACTIC WP 08/16 Rev. re Obligations of Vessel Masters during Inspection Adopted STACTIC WP 08/17 re Large-mesh (modified Polish-type) Topside Chafers Accepted STACTIC WP 08/20 Rev. 2 re Annual Compliance Review 2008.
17. Quota transfers	Adopted FC WP 08/31.
18. Election of Vice Chair	Re-elected Kate Sanderson (DFG) as Vice Chair.

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)

II. Administrative

5. Review of Commission Membership

III. Scientific Advice

6. Consideration of the scientific assessments (Monday)
 - a) Presentation of scientific advice by the SC Chair
 - Scientific advice on fish stocks
 - Ecosystem considerations
 - Porbeagle shark
 - VMEs
 - Other issues (as determined by SC Chair)
 - b) Feedback to the Scientific Council regarding its work during this Meeting
7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2010

IV. Conservation of Fish Stocks in the Regulatory Area

8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2009
 - 8.1 Cod in Div. 3M
 - 8.2 American plaice in Div. 3M
 - 8.3 Shrimp in Div. 3M
9. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2009
 - 9.1 Witch flounder in Divs. 3NO
 - 9.2 Yellowtail flounder in Div. 3LNO (PA framework)
 - 9.3 Redfish in Div. 3LN
 - 9.4 Redfish in Div. 3O
 - 9.5 Thorny skate in Div. 3LNO
 - 9.6 Greenland halibut in Subarea 2 and Div. 3KLMNO
 - 9.7 Squid (*Illex*) in Subareas 3 and 4
 - 9.8 Shrimp in Div. 3LNO
 - 9.9 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area
 - 9.10 Porbeagle shark
10. Cod Management Policy
11. Conduct of fisheries regarding by-catch of recovering moratorium species

V. Ecosystem Considerations

12. Report of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs
13. Identification of existing bottom fishing areas (Footprint)
14. Other considerations (e.g. turtles, seals)

VI. Conservation and Enforcement Measures

15. Review of Chartering Arrangements
16. Reports of STACTIC (from July 2008 intersessional meeting and current Annual Meeting)
 - a) Compliance
 - b) IUU
 - c) Other CEM matters
17. Quota Transfers

VII. Closing Procedure

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

Annex 4. SC Response to FC Requests on 3LNO Shrimp
(FC WP 08/30)

- 1) What would be the recommended TAC level for 2009 and 2010 with a yearly exploitation rate of 20% of the last two surveys?

SC Response: SC does not yet have the fishable biomass estimates from the last two surveys, which would be needed for such a TAC calculation. A preliminary analysis of the results of the Canadian surveys from autumn 2007 and spring 2008 was presented to SC and indicated no significant change in the status of the stock. Based on the average fishable biomass index from the surveys from autumn 2005 to spring 2007, which is 184,000 t, a 20% exploitation rate equates to a catch of 36,800 t. SC does not recommend this as a TAC for 2009 or 2010. SC noted that an update of the 2009 TAC calculation, using the most recent survey information as requested, will be possible at the October 2008 SC meeting.

- 2) Elaborate on the rationale of setting TAC at 25,000 t.

SC Response: In SC's response to a FC request in September 2007 (FC WP 07/18), SC noted that a catch of 25,000 t in 2008 would correspond to an exploitation rate of 12% (of a preliminary estimate of fishable biomass that was available at that time). FC set the TAC for 2008 at 25,000 t. In October 2007, SC noted that a catch of 25,000 t in 2008 would correspond to an exploitation rate of 13.6% (the estimate of fishable biomass having been revised). SC advised "that the most recently implemented TAC at 25,000 t be maintained for 2008 and 2009 in order to monitor the impact on the stock."

- 3) What is the current distribution of 3LNO shrimp inside and outside the NRA based on the average of the last four years?

SC Response: In framing its response to this question, SC draws the attention of FC to the fact that the fishery on this stock is restricted to Div. 3L, and all surveys since 1999 show that over 95% of the total survey biomass index in Div. 3LNO is found in Div. 3L. Spring surveys in Div. 3L, from 2005-2008, showed that, on average, 19.3% (range 10.7 to 27.7%) of the total survey biomass index in Div. 3L was in the NRA. Autumn surveys in Div. 3L, from 2005-2007, showed that, on average, 14.6% (range 11.8 to 19.3%) of the total survey biomass index in Div. 3L was in the NRA. When all available spring and autumn surveys from 2005 to 2008 are examined together, they indicate that, on average, 17.3% of total survey biomass index in Div. 3L was in the NRA.

In Div. 3LNO combined, 16.4% of the total survey biomass index was found in the NRA, on average over the last four years. Data from spring 2006 was not included in this averaging because the survey in Div. 3NO was incomplete, therefore this number is not comparable with that for Div. 3L given above. Excluding 2006 spring data from the calculation for Div. 3L results in a value of 16.2% of the total survey biomass index in the NRA.

Both spring and autumn time series show variation, but no long-term trends in the percentage of shrimp biomass in the NRA (see attached table summarized from SCR 08/54).

Year	Autumn		Spring	
	3L	3LNO	3L	3LNO
1995	14.29	20.00		
1996	17.47	19.03		
1997	12.67	13.64		
1998	15.89	17.96		
1999	14.68	15.12	21.47	24.04
2000	20.89	21.03	21.90	23.83
2001	19.09	19.50	13.78	13.94
2002	18.74	19.87	26.78	28.38
2003	19.05	20.15	18.08	20.28
2004	is	is	27.24	27.55
2005	11.79	12.03	10.66	11.24
2006	12.68	13.05	24.08	is
2007	19.30	19.31	27.72	27.93
2008			14.81	14.90

is = incomplete survey

Annex 5. Fisheries Commission's Request for Scientific Advice on Management in 2010 and Beyond of Certain Stocks in Subareas 2, 3 and 4 and Other Matters

(FC WP 08/41, Rev. 2 now FC Doc 08/19)

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 2009 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2010:

Northern shrimp in Div. 3M, 3LNO
Greenland halibut in SA 2 and Div. 3KLMNO

Noting that SC will meet in October of 2008, FC requests SC to update its advice for 2009, as well as to provide advice for 2010, for both shrimp stocks referenced above.

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 2009 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

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

In 2009, advice should be provided for 2010 and 2011 for American plaice in Div. 3LNO, yellowtail flounder in Div. 3LNO, redfish in Div. 3M, cod in Div. 3M, white hake in Div. 3NO and capelin in Div. 3NO.

- In 2007, advice was 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 was 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 was provided for 2009, 2010 and 2011 for cod in Div. 3M, American plaice in Div. 3M, witch flounder in Div. 3NO, redfish in Div. 3LN and northern shortfin squid in SA 3+4. These stocks will be next assessed in 2011. For redfish in Div. 3LN, the Scientific Council conducted full assessments and provided advice in 2007 and 2008 for this stock.

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. These evaluations should provide the information necessary for the Fisheries Commission to consider the balance between risks and yield levels, in determining its management of these stocks:
 - 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 catch 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_{2008} in 2010 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 catch 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, 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 catches 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 2010 and subsequent years over a range of fishing mortality rates (for as many years as the data allow)
 - (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 2009 Annual Meeting of the Fisheries Commission for all stocks under its responsibility requiring advice for 2010:
- 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 which would move the resource to (or maintain it in) the Safe Zone, including medium term considerations and associated risk or probabilities which will assist the Commission in developing the management strategies described in paragraphs 4 and 5 of Annex II in the Agreement.

5. The following elements should be taken into account by the Scientific Council when considering the Precautionary Approach Framework:
 - a) References to “risk” and to “risk analyses” should refer to estimated probabilities of stock population parameters falling outside biological reference points.
 - b) Where reference points are proposed by the Scientific Council as indicators of biological risk, they should be accompanied by a description of the nature of the risk associated with crossing the reference point such as recruitment overfishing, impaired recruitment, etc.
 - c) When a buffer reference point is proposed in the absence of a risk evaluation in order to maintain a low probability that a stock, measured to be at the buffer reference point, may actually be at or beyond the limit reference point, the Scientific Council should explain the assumptions made about the uncertainty with which the stock is measured.
 - d) Wherever possible, short and medium term consequences should be identified for various exploitation rates (including no fishing) in terms of yield, stability in yield from year to year, and the risk or probability of maintaining the stock within, or moving it to, the Safe Zone. Whenever possible, this information should be cast in terms of risk assessments relating fishing mortality rates to the trends in biomass (or spawning biomass), the risks of stock collapse and recruitment overfishing, as well as the risks of growth overfishing, and the consequences in terms of both short and long term yields.
 - e) When providing risk estimates, it is very important that the time horizon be clearly spelled out. By way of consequence, risks should be expressed in timeframes of 5, 10 and 15 years (or more), or in terms of other appropriate year ranges depending on stock specific dynamics. Furthermore, in order to provide the Fisheries Commission with the information necessary to consider the balance between risks and yield levels, each harvesting strategy or risk scenario should include, for the selected year ranges, the risks and yields associated with various harvesting options in relation to B_{lim} , and F_{lim} and target F reference points selected by managers.
6. Many of the stocks in the NAFO Regulatory Area are well below any reasonable level of B_{lim} or B_{buf} . For these stocks, the most important task for the Scientific Council is to inform on how to rebuild the stocks. In this context and building on previous work of the Scientific Council in this area, the Scientific Council is requested to evaluate various scenarios corresponding to recovery plans with timeframes of 5 to 10 years, or longer as appropriate. This evaluation should provide the information necessary for the Fisheries Commission to consider the balance between risks and yield levels, including information on the consequences and risks of no action at all.
 - a) information on the research and monitoring required to more fully evaluate and refine the reference points described in paragraphs 1 and 3 of Annex II of the Agreement; these research requirements should be set out in the order of priority considered appropriate by the Scientific Council;
 - b) any other aspect of Article 6 and Annex II of the Agreement which the Scientific Council considers useful for implementation of the Agreement's provisions regarding the precautionary approach to capture fisheries; and
 - c) propose criteria and harvest strategies for new and developing fisheries so as to ensure they are maintained within the Safe Zone.
7. Regarding pelagic *S. mentella* redfish in NAFO Subareas 1-3, the Scientific Council is requested to review the most recent information available on the distribution and abundance of this resource, as well as any new information on the affinity of this stock to the pelagic redfish resource found in the ICES Sub-area XII, parts of SA Va and XIV and to the shelf stocks of redfish found in ICES Sub-areas V, VI and XIV, and NAFO Subareas 1-3 for 2009.
8. Noting the FC Rebuilding Plan for 3NO cod adopted in September 2007, Fisheries Commission requests Scientific Council to advise, before September 2010, on possible measures the Commission may consider to ensure by-catch of cod is kept at the lowest possible level.
9. Recognizing the initiatives on vulnerable marine ecosystems (VME), and with a view to completing fishery impact assessments at the earliest possible date, Fisheries Commission requests the Scientific Council to:
 - a) Provide, as soon as possible in 2008, delineations, if any, of significant concentrations of corals in the NAFO Regulatory Area, by species, for the identification of VMEs. This should include the size and catch characteristics of corals obtained respectively from commercial fishing vessels and fisheries research vessels and the assessment of significant adverse impacts, with a particular focus on those species which involve interactions with commercial fisheries. The data should include absence/presence of corals as well as density.

- b) Provide, by June 30, 2009, delineations, if any, of significant concentrations of sponges in the Regulatory Area by species, including the size and catch characteristics of sponges obtained respectively from commercial fishing vessels and fisheries research vessels, with a particular focus on those species which involve interactions with commercial fisheries. The data should include absence/presence of sponges as well as density.
- c) With respect to corals and sponges in canyons denoted in the Scientific Council's response on the area denoted as "Southern Flemish Pass to Eastern Canyons", provide detailed information as soon as practicable or at least a report on progress by June 30, 2009, with a particular focus on those species which involve interactions with commercial fisheries.
10. With respect to Greenland halibut in SA 2 + Div. 3KLMNO, Fisheries Commission requests Scientific Council, in its 2009 assessment of this stock, in addition to the information requested above:
- a) To complete an evaluation of alternate assessment models for this stock. This evaluation will enable the determination of the robustness of the assessment model currently used.
- b) To advise Fisheries Commission, if catches of this stock are 16,000 tons in 2009 and in subsequent years, what is the biomass trajectory over these years, based on the most recent assessment?
11. For stocks currently under moratorium, but showing recent increases as assessed by Scientific Council, such as 3M cod and 3LNO American plaice, Scientific Council is asked to provide catch, biomass, and fishing mortality projections where possible, for as many years as the data will allow, at the following levels of fishing mortality: $F=0$; $F_{0.1}$; and F_{2008} , in addition to any projections requested in the sections above.
12. Noting that the Scientific Council assessments of American plaice and yellowtail in Div. 3LNO are currently scheduled to be done in alternate years, Fisheries Commission requests that Scientific Council provide full assessments of both these stocks in the same year. Noting the schedule of assessments currently followed, this would require an additional assessment of yellowtail flounder to be conducted in 2009.
13. Fisheries Commission requests Scientific Council to examine the consequences resulting from a decrease in mesh size in the mid-water trawl fishery for redfish in Div. 3M, to 100 mm or lower.
14. Noting the desire of NAFO to apply ecosystem considerations in the conservation and management of fish stocks in the NAFO area, the Scientific Council is requested to provide the Fisheries Commission at its next annual meeting in 2009 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 proceedings at the September 29 – October 1, 2008 Symposium in Dartmouth.

Annex 6. Bycatch provisions for Cod 3M and Redfish 3LN

Proposal for by-catch provisions in relation to Cod 3M
(FC WP 08/45 now FC Doc 08/17)

The following by-catch provisions for Cod 3M shall apply:

Contracting Parties fishing for other species in Division 3M will be restricted to a cod by-catch limit of 10% by haul and an 8% limit on landings.

This by-catch percentage will be maintained in 2010 if the Scientific Council confirm that the upward trend in the growth of the cod 3M biomass is maintained.

**Proposal to modify Article 11 of the
NAFO Conservation and Enforcement Measures**
(FC WP 08/45 now FC Doc 08/18)

Article 11.1 (a), second sentence, is amended to read as follows:

These limitations shall also apply for redfish in Division 3LN in 2009 and 2010.

Annex 7. Quota Table 2009 and Effort Allocation Scheme 2009

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2009 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 Division/Contracting Party	Cod			Redfish			Sub-Area 2 and Div. 1F+3K		American plaice		Yellowtail		Witch	
	3L	3M	3NO	3LN	3M	3O	3LNO	3M	3LNO	3M	3LNO	3L	3NO	
Canada		0	0	0	500	6000	0	0	385 ^{2,4}	0	16575 ⁵		0	
Cuba		0	-	0	1750		-	-	385 ^{2,4}	-	-		-	
Denmark (Faroe Islands and Greenland)		0	-	-	69 ¹⁹		-	-	9627 ^{2,3}	-	-		-	
European Union		0 ¹¹	0 ¹¹	0 ¹¹	7813 ¹²	7000	0	0 ¹¹	<u>9627^{2,3}</u> 2503 ^{2,15}	0	-		0 ¹¹	
France (St. Pierre et Miquelon)		-	-	-	69 ¹⁹		-	-	385 ^{2,4}	-	340 ⁵		-	
Iceland		-	-	-	-		-	-	9627 ^{2,3}	-	-		-	
Japan		-	-	-	400	150	-	-	385 ^{2,4}	-	-		-	
Korea		-	-	-	69 ¹⁹	100	-	-	385 ^{2,4}	-	-		-	
Norway		0	-	-	-		-	-	9627 ^{2,3}	-	-		-	
Russia		0	0	0	9137	6500	-	0	9627 ^{2,3}	0	-		0	
Ukraine						150			385 ^{2,4}					
United States of America		-	-	-	69 ¹⁹		-	-	385 ^{2,4}	-	-		-	
Others		0	0	0	124	100	0	0	-	0	85 ⁵		0	
TOTAL ALLOWABLE CATCH	*9	*22	*16,9	*25	8500 ⁸	20000	*23	*9	12516 ^{10,17}	*23	17000 ^{23,24}	*16,9	*20,9	

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹		Shrimp	
					3NO	3NO	3LMNO	Sub-areas 3+4
Canada	2500	0	2250	1778	N.S. ⁶	24990		
Cuba	0	0	-	-	510	334		
Denmark (Faroe Islands and Greenland)	-	-	206	-	-	334		
European Union	5000	0 ¹¹	8500	6951 ¹⁸	N.S. ⁶ 611 ¹³	1670 ¹⁴		
France (St. Pierre et Miquelon)	-	-	194	453	334			
Iceland	-	-	-	-	-	334		
Japan	0	0	1215	510	334			
Korea	-	-	-	453	334			
Norway	0	0	-	-	334			
Russia	500	0	2250	1512	749	334		
Ukraine	-	-	-	-	334			
United States of America	-	-	-	453	334			
Others	500	-	500	0 ⁷	794	0		
TOTAL ALLOWABLE CATCH	8500	*21,9	13500	11856	34000²⁰	30000		*9

* Ban on fishing in force.

- Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.
- The Contracting Parties shall notify the Executive Secretary every second week of catches taken by its vessels from this allocation until accumulated reported catch reaches 50%, after which time weekly notification shall apply. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
- Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.
- Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
- Contracting Parties shall inform the Executive Secretary before 01 December 2008 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
- 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 1,300 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 4250 tons may be fished before 01 July 2009. 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 11, 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 2009 as compared to 2008, 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 334 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 30,000 tonnes, following their accession to the European Union.
15. Allocation of 2,234 tonnes for Lithuania and 269 tonnes to Latvia following their accession to the European Union.
16. Applicable to 2009 and 2010.
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.
19. Notwithstanding the provisions of footnote 8 and without prejudice to future agreements on allocations, these quotas may be fished in their entirety by these Contracting Parties.
20. Applicable to 2009, 2010, and 2011.
21. Applicable until at least 2012.
22. Contracting Parties fishing for other species in Division 3M will be restricted to a cod by-catch limit of 10% by haul and an 8% limit on landings.
23. In lieu of Article 11.1 (a) and (b) of the CEM, the following by-catch provisions for American plaice only in the 3LNO yellowtail fishery shall apply: Contracting Parties fishing for yellowtail flounder allocated under the NAFO allocation table will be restricted to an overall Am. plaice by-catch harvest limit equal to 13% of their total yellowtail fishery as calculated in accordance with Article 11.1 (c). For 2010, the by-catch percentage will increase to 15% unless a Scientific Council projection indicates that this rate is likely to undermine stock recovery or cause an unreasonable delay in reaching B_{lim} , in which case the increase may be subject to a reassessment by the Fisheries Commission⁷
24. Following the NAFO annual meeting and prior to January 1 of the succeeding year, at the request of the USA, Canada will transfer 1000 tonnes of its 3LNO yellowtail quota to the USA.
25. By-catch of Redfish 3LN in other fisheries is limited to 10%.

Annex I.B of the CEM
Effort Allocation Scheme for Shrimp Fishery in the
NAFO Regulatory Area Div. 3M, 2009

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

¹Including 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.

Annex 8. Proposal from DFG – Request to STACTIC
(FC WP 08/39)

STACTIC is requested at its next intersessional meeting, to review the relevant provisions of Chapter III (Monitoring of Fisheries), including annex VIII (Recording of Catch (Logbook Entries)) of the CEM related to measures for reporting in shrimp fisheries and to recommend any necessary improvements.

Annex 9. Footnote to the Quota Table concerning 3LNO Yellowtail
(FC WP 08/44 now FC Doc 08/17)

To add footnote:

“In lieu of Article 11.1 (a) and (b) of the CEM, the following by-catch provisions for American plaice only in the 3LNO yellowtail fishery shall apply:

Contracting Parties fishing for yellowtail flounder allocated under the NAFO allocation table will be restricted to an overall Am. plaice by-catch harvest limit equal to 13% of their total yellowtail fishery as calculated in accordance with Article 11.1 (c).

For 2010, the by-catch percentage will increase to 15% unless a Scientific Council projection indicates that this rate is likely to undermine stock recovery or cause an unreasonable delay in reaching B_{lim} , in which case the increase may be subject to a reassessment by the Fisheries Commission.”

Annex 10. Footnote to the Quota Table concerning 3LNO Yellowtail (2)
(FC WP 08/43 now FC Doc 08/17)

To add footnote:

“Following the NAFO annual meeting and prior to January 1 of the succeeding year, at the request of the USA, Canada will transfer 1000 tonnes of its 3LNO yellowtail quota to the USA.”

Annex 11. Modification to the CEM relating to Shrimp in Division 3L
(Proposal by the EC)
(FC WP 08/11 now FC Doc 08/14)

1. The provision in the Conservation and Enforcement Measures, Article 14 - Area and Time Restrictions, point 1, in relation to the fishing prohibition period in Area 3L, is hereby deleted.
2. The provision in the Conservation and Enforcement Measures, Article 14 - Area and Time Restrictions, point 2, relating to the limitation of "...at any one time to one vessel per each flag state Contracting Party's allocation", is hereby deleted.

Annex 12. By-catch Requirements in Mixed Fisheries
(FC WP 08/32 Revised **now** FC Doc 08/21)

After many years, some groundfish stocks that have been under long-term moratoria are showing positive signs of recovery. These stocks include 3LNO Am. Plaice, 3LN redbfish, and 3M cod.

It is important that Fisheries Commission and Contracting Parties continue to promote positive growth in these stocks by maintaining by-catch at the lowest possible levels while also ensuring that directed fisheries for other stocks/species can continue in a sustainable and viable manner.

It is also important that Fisheries Commission and Contracting Parties find the balance between directed fisheries and by-catch of moratoria species, particularly in historically mixed fisheries.

For example, in the mixed yellowtail/Am. plaice fishery in Divisions 3LNO, the two species have recovered from low levels in the 1990s at differing rates. Yellowtail is fully recovered and above B_{msy} while Am. plaice is still recovering and moving toward B_{lim} .

Am. plaice is increasingly present on traditional yellowtail grounds and unavoidable. The level of Am. plaice by-catch taken by Canada is currently at the lowest possible level as reflected by requirements to move to avoid Am. plaice, however, these avoidance efforts undermine economic efficiency of the yellowtail fishery and may actually result in higher catch of other moratoria species.

Considerations

Promote viable and sustainable fisheries for quota species while keeping by-catch of moratoria species at the lowest possible and truly unavoidable levels through the application of a precautionary and eco-system-based approach to legitimate, historical, and proven mixed fisheries where the by-catch species is on a sustained upward trajectory towards or beyond B_{lim} by applying each of the following:

1. By-catch of moratoria species must be managed in a manner that would not prevent or undermine its recovery or cause an unreasonable delay in reaching B_{lim} for any moratoria stock.
2. By-catch of moratoria species should not unduly restrict the directed fishery for other stocks where intermixing is known to occur.
3. Vessels must employ avoidance techniques, selection devices, and/or other technology, as practical.

Fisheries Commission decisions on alternate by-catch management strategies will be made on a case-by-case basis.

**Annex 13. Preliminary Assessment of the Risk of Significant Adverse Impact (SAI)
of Fishing Activities in the NAFO Regulatory Area**
(FC WP 08/37 Revision 3 now FC Doc 08/16)

Background

At its 2005 annual meeting, NAFO agreed to launch a reform process which inter alia was intended to implement modern 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.

In 2005, the United Nations (UN) Secretary-General published a report outlining actions taken by States and regional fisheries management organizations (RFMO) to address the impacts of fishing on vulnerable marine ecosystems in response to UN General Assembly (UNGA) Resolution 59/25.

As a part of this process, NAFO decided in 2006 to implement the precautionary closures of four seamount areas which included strict conditions under which exploratory fisheries could occur within these areas. In 2007, NAFO closed part of NAFO Subarea 3O to fishing where corals were identified.

The United Nations General Assembly adopted Resolution 61/105 in 2006 which called for an assessment of the risk of significant adverse impacts (SAI) of fishing activities on vulnerable marine ecosystems (VMEs) and the adoption of appropriate mitigating measures by 31 December 2008.

To this end, and given the shortness of time to realistically undertake the appropriate work required, NAFO adopted during an Extraordinary Meeting in May 2008 comprehensive measures to fulfill the recommendations of Resolution 61/105. According to those provisions, each Contracting Party will be required to assess any proposed bottom fishing for anticipated impacts on VMEs in 2009. At the same meeting, it was also agreed that every effort should be made to start the assessment process, including a preliminary risk assessment and adoption of resulting measures in 2008.

In June 2008, Scientific Council of NAFO initiated its work to identify areas in which features associated with VMEs may exist, but was neither able to make a detailed analysis nor conduct impact assessments of bottom fishing activities. In September 2008, the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs concluded that further work by the Scientific Council was indeed required to either identify new VMEs, if any, or enable credible risk assessments.

In addition, this ad hoc working Group recommended, in light of limited resources and time, that focus be placed first (in 2008) on identifying areas with sensitive coral concentrations and seamounts and secondly (during 2009), on areas related to sponge concentrations.

The Fisheries Commission made the following observations based on the ad hoc Working Group report which may help inform preliminary assessments:

- Based on historical information collected over decades, concentrations of corals had been found by survey trawls in a few localized areas in the Regulatory Area. However, based on preliminary information presented related to catch of corals by commercial vessels in areas currently fished, there appears to be little interaction between species of corals and fishing activity in the Regulatory Area. This situation reflects decades of sustained fishing.
 - With respect to the South East Shoal relative to capelin spawning during June/July and bivalve populations, there is not a high risk of significant adverse impact on the capelin spawning grounds. It is noted that there is no directed capelin fishery, seasonal and low fishing levels generally exist from the yellowtail flounder and skate fisheries, the Canadian fishery for yellowtail has a closure during the summer season. In addition, the habitat comprises a sandy, gravel bottom, with limited or no presence of coral or sponge concentrations, and limited bottom perturbation associated with the capelin spawning period.

Considerations by the Fisheries Commission

In its comparison of the historic footprint in the NAFO Regulatory Area and preliminary assessments by the Scientific Council on possible areas where VMEs may exist, the Fisheries Commission observes a significant overlap between the aggregate footprint and these areas, and considerable specificity in individual fisheries footprints. The Fisheries

Commission considers that this reinforces the observation of the ad hoc Working Group that there has been a long history of fishing, including bottom contact fishing, in existing fishing areas and that this should be taken into account in determining whether VMEs in fact continue to exist within those areas.

The Fisheries Commission also observes that, on the one hand, during this long history of fishing there seems to have been little interaction between commercial fishing activities and species of corals. On the other hand, the Fisheries Commission considers that new fishing areas essentially consist of deep waters which may contain slow growing marine species. Against this background, the Fisheries Commission concludes that, in general, the probability of significant adverse impacts on VMEs is higher in new fishing areas rather than in existing fishing areas.

The Fisheries Commission reaffirms its strong commitment to implementing the internationally agreed standards to protect VMEs from significant adverse impact, as identified under Resolution 61/105 and FAO International Guidelines for the Management of Deep Sea Fisheries in the High Seas. The Fisheries Commission understands that this will be an ongoing process and that the work in 2008 represents what can be done with the information and resources available. The Fisheries Commission will continue its efforts beyond 2008 as information and experience expands.

In order to complete the preliminary assessment of fishing activities and adopt resulting mitigating measures, the Fisheries Commission agrees to:

- Request that the Scientific Council refine the information on coral concentrations as soon as possible in 2008 (it is understood that the work of the Working Group on Ecosystem Approach to Fisheries Management is ongoing and the Scientific Council is planning to review and adopt a report at the end of October, 2008.)
- Request that the Scientific Council provide, by 30 June 2009, information on sponge concentrations;
- Request that the Scientific Council provide the information on corals and sponges in canyons with a focus on those species which involve interactions with commercial fisheries as soon as practicable or at least provide a progress report by June 30, 2009;
- Hold a meeting of the ad hoc Working Group in the first quarter of 2009 to review the SC information on corals, review information by the Scientific Council regarding identification of VMEs and assessment of risk, and make recommendations to FC on any further mitigation measures that maybe required through processes to be established at that time.
- Adopt the proposal (Annex 1) to reference the definition and criteria for VMEs and Significant Adverse Impact to the NCEM, Chapter 1bis based on the FAO International Guidelines for the Management of Deep Sea Fisheries in the High Seas.

Implementation of Additional Mitigating Measures in 2009

Furthermore, the Fisheries Commission agrees to adopt the following additional mitigation measures as of 1 January 2009:

- Extension of the current seamount measures to include the Fogo Seamounts and the amendment of Article 14 of the NCEM accordingly (Annex 2)
- Adoption of Interim Exploratory Fishery Protocol (Annex 3)
- Adoption of interim Encounter Provisions for Deep Sea VMEs in both fished and unfished areas of the NAFO Regulatory Area (Annex 4) until there is a clear definition of areas of VMEs by geographical references done by a seabed mapping using the best available scientific analysis.

(Annex 13.1)**Proposal for Amendment of Article 1 of Chapter Ibis**

Article 1 in Chapter Ibis be amended by adding the following:

5. The term “vulnerable marine ecosystems” has the same meaning and characteristics as those contained in paragraphs 42 and 43 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas

6. The term “significant adverse impacts” has the same meaning and characteristics as those described in paragraphs 17-20 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

(Annex 13.2)**Inclusion of Fogo Seamounts in Closed Area Table for Seamounts**

Amend Article 14, paragraph 5 as to include coordinates for the Fogo Seamounts as follows:

As of January 1, 2007, and until December 31, 2010, the following areas shall be closed to all bottom fishing activities. 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
Fogo Seamounts 1	42 31 33 N 53 23 17 W	42 31 33 N 52 33 37 W	41 55 48 N 53 23 17 W	41 55 48 N 52 33 37 W
Fogo Seamounts 2	41 07 22 N 52 27 49 W	41 07 22 N 51 38 10 W	40 31 37 N 52 27 49 W	40 31 37 N 51 38 10 W

(Annex 13.3)**Exploratory Protocol for New Fishing Areas**

The Exploratory Fishery Protocol for New Fishing Areas shall include:

- A harvesting plan which outlines target species, dates and areas. Area and effort restrictions should be considered to ensure fisheries occur on a gradual basis in a limited geographical area.
- A mitigation plan including measures to prevent significant adverse impact to vulnerable marine ecosystems that may be encountered during the fishery.
- A catch monitoring plan that includes recording/reporting of all species caught, 100% satellite tracking and 100% observer coverage. The recording/reporting of catch should be sufficiently detailed to conduct an assessment of activity, if required.
- A data collection plan to facilitate the identification of vulnerable marine ecosystems/species in area fished.

Exploratory fisheries shall not commence until this information has been provided to the Executive Secretary and forwarded to all Contracting Parties and the Scientific Council for information.

Proposed templates for the exploratory protocol for new fishing areas where fishing gear is likely to contact the seafloor

I. CONTRACTING PARTY SUBMITS NOTICE OF INTENT TO UNDERTAKE EXPLORATORY FISHING TO THE NAFO SECRETARIAT

<p>HARVESTING PLAN</p>	<p>MITIGATION PLAN</p>	<p>CATCH MONITORING PLAN</p>	<p>DATA COLLECTION PLAN</p>
<ul style="list-style-type: none"> • TARGET SPECIES • FISHING DATES • DESCRIPTION OF AREA TO BE FISHED • ANTICIPATED EFFORT • BOTTOM FISHING GEAR-TYPE(S) USED 	<p>MEASURES TO PREVENT SIGNIFICANT ADVERSE IMPACTS TO VMES</p>	<p>IDENTIFY AND RECORD ALL SPECIES BROUGHT ONBOARD TO THE LOWEST POSSIBLE TAXONOMIC LEVEL</p> <p>100% SATELLITE COVERAGE</p> <p>100% OBSERVER COVERAGE</p>	<p>DATA WILL BE COLLECTED AND REPORTED IN A STANDARDIZED FORMAT</p>

II. CONTRACTING PARTY SUBMITS TRIP REPORT TO THE NAFO SECRETARIAT

PROPOSED DRAFT TEMPLATE FOR THE EXPLORATORY FISHERY PROTOCOL FOR NEW FISHING AREAS WHERE FISHING GEAR IS LIKELY TO CONTACT THE SEAFLOOR

ADVANCED NOTICE OF INTENT TO UNDERTAKE EXPLORATORY FISHING¹

NAME OF VESSEL:

FLAG STATE OF VESSEL:

ANTICIPATED LOCATION(S) OF EXPLORATORY FISHING ACTIVITIES (INCLUDE LAT/LONG):

ANTICIPATED DATES OF EXPLORATORY FISHING ACTIVITIES:

HAS ANY PREVIOUS FISHING BEEN UNDERTAKEN IN ADJACENT AREAS (IF SO, IDENTIFY INFORMATION SOURCE):

DEPTHS EXPECTED TO BE ENCOUNTERED DURING EXPLORATORY FISHING ACTIVITIES:

DO HABITAT MAPS OF THE AREA EXIST (IF SO, PLEASE IDENTIFY SOURCE(S)):

ARE TAXONOMIC KEYS IDENTIFYING POTENTIALLY VULNERABLE SPECIES AVAILABLE (IF SO, IDENTIFY SOURCE(S)):

KNOWN VULNERABLE MARINE ECOSYSTEMS (VMEs)² IN THE LOCATION(S) TO BE FISHED:

MITIGATION MEASURES TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VMEs, IF ENCOUNTERED:

DO BATHYMETRIC MAPS OF THE EXPLORATORY AREA EXIST (IF SO, PLEASE IDENTIFY SOURCE(S)):

DOES ANY FISHERIES SCIENTIFIC INFORMATION IN THE EXPLORATORY AREA EXIST (IF SO, IDENTIFY SOURCE(S)):

TARGET SPECIES BEING SOUGHT:

WHAT GEAR TYPE(S) ARE BEING PROPOSED TO BE USED (PLEASE IDENTIFY) IN WHAT AREAS (INCLUDE LAT/LONG):

¹ EXPLORATORY FISHING IS DEFINED AS ALL BOTTOM FISHING ACTIVITIES IN NEW AREAS OR WITH BOTTOM GEAR NOT PREVIOUSLY USED IN THE AREA CONCERNED AND NOT IDENTIFIED IN ARTICLE 2 OF NEW CHAPTER I BIS (SEE NAFO/FC DOC. 08/3)

² REFER TO FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

PROPOSED DRAFT TEMPLATE FOR THE EXPLORATORY FISHERY PROTOCOL FOR NEW FISHING AREAS WHERE THE FISHING GEAR IS LIKELY TO CONTACT THE SEAFLOOR

CONTRACTING PARTY EXPLORATORY FISHING¹ TRIP REPORT SUBMITTED TO THE NAFO SCIENTIFIC COUNCIL

NAME OF VESSEL:

FLAG STATE OF VESSEL:

LOCATION(S) OF AREAS FISHED (INCLUDE LAT/LONG):

DATES OF FISHING ACTIVITIES:

DEPTHS ENCOUNTERED DURING FISHING (LIST FOR EACH HAUL INCLUDING LAT/LONG):

TOTAL HOURS/AREA FISHED (LIST FOR EACH HAUL INCLUDING LAT/LONG):

GEAR TYPE(S) USED (PLEASE IDENTIFY) IN WHAT AREAS (INCLUDE LAT/LONG):

VULNERABLE MARINE ECOSYSTEMS (VMEs)² ENCOUNTERED (LIST FOR EACH HAUL INCLUDING LAT/LONG):

MITIGATION MEASURES TAKEN TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VMEs IF ENCOUNTERED:

LIST OF ALL ORGANISMS (RETAINED, BYCATCH) BROUGHT ONBOARD (IDENTIFIED TO THE LOWEST TAXONOMIC UNIT):

LIST OF POTENTIAL VULNERABLE INDICATOR SPECIES³ BROUGHT ONBOARD BY LOCATION (INCLUDE LAT/LONG):

LIST OF ORGANISMS RETAINED FOR **BIOLOGICAL SAMPLING** (E.G., LENGTH-WEIGHT, SEX, AGE), IF ANY:

¹ EXPLORATORY FISHING IS DEFINED AS ALL BOTTOM FISHING ACTIVITIES IN NEW AREAS OR WITH BOTTOM GEAR NOT PREVIOUSLY USED IN THE AREA CONCERNED AND NOT IDENTIFIED IN ARTICLE 2 OF NEW CHAPTER I BIS (SEE NAFO/FC DOC. 08/3)

² REFER TO FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

³ REFER TO ANNEX 1 FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

NOTE: DATA REPORTING SHOULD FOLLOW A STANDARDIZED SPECIFICATION, FOR EXAMPLE, AS ADOPTED BY SCIENTIFIC OBSERVER PROGRAMS.

(Annex 13.4)

New Article 5 Chapter 1bis: - Interim Encounter Provision

Definition of an Encounter –is an encounter, above threshold levels as set out in paragraph 3, with indicator species of coral identified as antipatharians, gorgonians, cerianthid anemone fields, lophelia, and sea pen fields or other VME elements. Any encounter with a VME indicator species or merely detecting the presence of an element itself is not sufficient to identify a VME. That identification should be made on a case-by-case basis through assessment by relevant bodies.

Contracting Parties shall require that vessels flying their flag and conducting bottom fishing activities within the Regulatory Area abide by the following rules, where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered:

1) Existing fishing areas

a) Vessels shall quantify catch of VME indicator species, i.e. coral and sponge.

b) if the quantity of VME elements or indicator species caught in a fishing operation (such as trawl tow or set of a gillnet or longline) is beyond the threshold defined in paragraph 3 below, the following shall apply:

- The vessel master shall report the incident to the flag state, which without delay shall forward the information to the Executive Secretary. Contracting Parties may if they so wish require their vessels to also report the incident directly to the Executive Secretary. The Executive Secretary shall archive the information and report it to all Contracting Parties. The Contracting Parties shall immediately alert all fishing vessels flying their flag.

- The vessel master shall cease fishing and move away at least 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. The captain shall use his best judgment based on all available sources of information.

- The Executive Secretary shall make an annual report on single and multiple encounters in discrete areas within existing fishing areas to the Scientific Council. The Scientific Council shall evaluate and, on a case-by-case basis the information and provide advice to the Fisheries Commission on whether a VME exists. The advice shall be based on annually updated assessments of the accumulated information on encounters and the Scientific Council's advice on the need for action, using FAO guidelines as a basis. The Fisheries Commission shall consider the advice in accordance with Article 4, paragraph 5.

2) Unfished areas that are defined as 'New fishing areas'

a) Vessels shall quantify catch of VME indicator species, i.e. coral and sponge. Observers deployed shall identify corals, sponges and other organisms to the lowest possible taxonomical level. The sampling protocol found in Annex x shall be used (templates).

b) If the quantity of VME element or indicator species caught in a fishing operation (such as trawl tow or set of a gillnet or longline) is beyond the threshold defined in paragraph 3 below, the following shall apply:

- The vessel master shall report the incident without delay to its flag state, which shall forward the information to the Executive Secretary. Contracting Parties may if they so wish require their vessels to also report the incident directly to the Executive Secretary. The Executive Secretary shall archive the information and without delay transmit it to all Contracting Parties. The Contracting Parties shall issue an immediate alert to all vessels flying their flag.

- The Executive Secretary shall at the same time request Contracting Parties to implement a temporary closure of a two mile radius around the reporting position. The reporting position is that provided by the vessel, either the endpoint of the tow/set or another position that the evidence suggests is closest to the exact encounter location.

- The Scientific Council at its next meeting shall examine the temporary closure. If the Scientific Council advises that the area consists of a vulnerable marine ecosystem the Executive Secretary shall request Contracting Parties to maintain the temporary closure until such time that the Fisheries Commission has acted upon the advice from the Scientific Council in accordance with Article 4, paragraph 5 in chapter 1 bis. If the Scientific Council does not conclude that the proposed area is a VME, the Executive Secretary shall inform Contracting Parties which may re-open the area to their vessels.
 - The vessel shall cease fishing and move away at least 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. The captain shall use his best judgment based on all available sources of information.
 - The Executive Secretary shall make an annual report on archived reports from encounters in *new fishing areas* to the Scientific Council. This report shall also include reports from the exploratory fishing activities that were conducted in the last year. The Scientific Council shall evaluate the information and provide advice to the Fisheries Commission on the appropriateness of temporary closures and other measures. The advice should be based on annually updated assessments of the accumulated information on encounters as well as other scientific information. The Scientific Council's advice should reflect provisions outlined in the FAO guidelines. The Fisheries Commission shall consider the advice in accordance with Article 4, paragraph 5.
- 3) For both existing and new fishing areas, an encounter with primary VME indicator species is defined as a catch per set (e.g. trawl tow, longline set, or gillnet set) of more than 100 kg of live coral and/or 1000kg of live sponge. These thresholds are set on a provisional basis and may be adjusted as experience is gained in the application of this measure.

Annex 14. STACTIC Recommendation on new NAFO Measures on Port State Control

(STACTIC WP 08/1 Revision 4 now FC Doc 08/9)

Introduction

A discussion paper for new NAFO Measures on Port State Control was presented by Norway at the intersessional meeting of STACTIC in June 2007. A revised version of the paper formed the basis for the discussions in STACTIC during the 2007 annual meeting in Lisbon. In the meeting it was decided that the next STACTIC intersessional meeting in July 2008 should focus primarily on the port State control. Norway undertook to present a second revision of the paper that would take into consideration comments provided by the Contracting Parties. At the July 2008 meeting numerous amendments, changes and bracketed text suggestions to the Norwegian draft working paper were made. STACTIC agreed that due to the complexity of the document it should be termed a STACTIC discussion paper to be considered for adoption at the 2008 NAFO Annual Meeting.

STACTIC has resolved all bracketed texts and agreed to submit a recommendation to the Fisheries Commission to adopt a new NAFO Measures on Port State Control.

Background and Explanation

The provisions in the recommendation are based on the following four basic principles that in our view are necessary to make a consistent Port State Control Scheme work:

1. Prior notification. The master of the vessel has to present a prior notification to the competent authorities.
2. Confirmation from the flag State. Released by the prior notification form which is sent by the port State to the flag State. The flag State confirms the legal status of the catch by answering yes or no to four questions. The form is then returned to the port State.
3. Authorisation to land or tranship. Such authorisation is given by the port State if the flag State has confirmed the legal status of the catch by answering yes to all four questions. No authorisations shall be given if this is not the case. By derogation an exception can be made, but the catch can not be released from storage before the required confirmation is given.
4. Transparency. The forms containing the prior notification, the confirmation and the authorisation are posted on the secure part of the website.

The North East Atlantic Fisheries Commission (NEAFC) introduced port State control on May 1, 2007 based on the above mentioned principles. The system is simple and has worked well since the introduction. Illegal landings have been stopped and the flow of information between the vessels, contact points and the NEAFC Secretariat is functioning well. The industry has welcomed the system since it provides the best guarantee possible at the time of landing that the catch is legally caught.

The level of inspection in the NEAFC Port State Control Scheme is set at 15 % of all landings. All inspections shall be documented by using a special form which is posted at the secure part of the website when completed.

By introducing the confirmation from the flag State, the system goes a bit beyond the provisions in the draft Global Agreement on Port State Measures currently being developed in Food and Agricultural Organisation of the United Nations (FAO). At the same time the system is simplified since the inspections can focus mainly on verifying the information provided in the prior notification. All other aspects, whether the vessel is authorised or not, what quota it has been allocated and so on, is dealt with by the flag State in the confirmation process.

Part I of the new port State Control measures contains amendments to the existing CEM that are necessary as a consequence of introducing the new Chapter V.

Part II contains a complete text for a new Chapter V to replace the existing Chapter V dealing with inspections in port.

Article 44 contains the scope of the port State Control measures relating to the port State, the flag State, the master, the receiver of the catch and finally the role of the Executive Secretary. The port State Control measures apply to landings and transshipments in ports of Contracting Parties by fishing vessels flying the flag of another Contracting Party. It covers all fish caught in the Regulatory Area and fish products originating from such fish, that have not been previously landed or transhipped at a port.

NAFO CEM already contains certain elements of port inspection. These elements are pursued in the text presented. At the same time the text is drafted with the aim to set up a system that is as similar to the one established in NEAFC as possible. The experiences gained during the last year indicates that the established NEAFC Port State Control Scheme is working well and that it is suited to be built on when developing new port State control regulations in other RFMOs.

All the Contracting Parties to NEAFC are also Contracting Parties to NAFO. A similar system in both organisations will simplify the operation of the systems in each Contracting Party. Vessels are operating in both areas, and may even do so on the same fishing trip. To have a similar system will be a real simplification for the masters since they can use the same prior notification form. The receivers of the fish would be provided with the same guarantee with respect to the legal status of the fish.

Part III focuses on provisions that will include prior notification in respect of non-Contracting Party vessels entering a port of a Contracting Party. If such vessels intend to land or tranship they will have to present a flag state confirmation before the operation can commence. In the draft Article 49 nr.1 the obligation to present the confirmation is placed on the master, not the flag State. Thereby the port State Contracting party only exercises jurisdiction over vessels seeking access to its ports.

The scope of the draft FAO agreement also covers vessels targeted by Chapter VI. Therefore, amendments to these measures were made in order to make them consistent with the draft agreement.

Part IV contains the necessary forms. The NEAFC port State inspection form PSC 3 has been amended to incorporate rules that are in force in NAFO. The prior notification forms PSC 1 (fishing vessels landing or transshipping its own catch) and 2 (vessels landing or transshipping fish caught by other vessels) used in NEAFC has been amended so that they can be used by both NAFO and NEAFC.

The prior notifications contain estimated amounts of fish on board.

RECOMMENDATION

STACTIC recommends the adoption of the following measures on Port State Control to be included in the Conservation and Enforcement Measures

Part I – Amendments to Chapter I, Conservation and management measures, and to Chapter II, Control measures.

Article 17 – add new paragraph 5 (moving all text from the existing Article 44 (6)):

The competent authorities of Contracting Parties shall, every two years, check each of their vessels, notified in accordance with Article 19, to certify the correctness of the vessel's plans for fish rooms and other fish storage places. The master shall ensure that a copy of such certification remains on board to be shown to a NAFO inspector if requested.

Part II - CHAPTER V, INSPECTIONS IN PORT, to be deleted and replaced by:

CHAPTER V

*PORT STATE CONTROL**Article 44 – Scope*

Subject to the right of the port State Contracting Party to impose requirements of its own for access to its ports, the provisions in this chapter apply to landings or transshipments in ports of Contracting Parties by fishing vessels flying the flag of another Contracting Party. The provisions apply to landing or transshipment of fish caught in the Regulatory Area, or fish products originating from such fish, that have not been previously landed or offloaded at a port.

This chapter also sets out the respective duties of the flag State Contracting Party and obligations of the master of fishing vessels seeking to land catch in a port of a Contracting Party.

Article 45 – Duties of the Port State Contracting Party

1. The port State Contracting Party shall designate ports to which fishing vessels may be permitted access for the purpose of landing or transshipment. It shall transmit to the Executive Secretary a list of these ports. Any subsequent changes to the list shall be notified to the Executive Secretary no less than fifteen days before the change comes into effect.
2. The port State Contracting Party shall establish a minimum prior notification period. The prior notification period should be 3 working days before the estimated time of arrival. However the port State Contracting Party may make provisions for another prior notification Period, taking into account, inter alia, distance between fishing grounds and its ports. The port State Contracting Party shall advise the Executive Secretary of the prior notification period.
3. The port State Contracting Party shall designate the competent authority which shall act as the contact point for the purposes of receiving notifications in accordance with Article 47 (1, 2 and/or 3), receiving confirmations in accordance with Article 46 (2) and issuing authorizations in accordance with paragraph 6. The port State Contracting Party shall advise the Executive Secretary about the competent authority name and its contact information.
4. The requirements contained in paragraphs 1, 2 and 3 do not apply to a Contracting Party that does not permit any landings or transshipments in its ports by vessels flying the flag of another Contracting Party.
5. The port State Contracting Party shall forward a copy of the form as referred to in Article 47 (1 and 2) without delay to the flag State Contracting Party of the vessel and to the flag State Contracting Party of donor vessels where the vessel has engaged in transshipment operations.
6. Landing or transshipment operations may only commence after authorisation has been given by the competent authorities of the port State Contracting Party. Such authorisation shall only be given if the confirmation from the flag Contracting party as referred to in article 46 (2) has been received.
7. By way of derogation from paragraph 6 the port State Contracting Party may authorize all or part of a landing in the absence of the confirmation referred to in paragraph 6. In such cases the fish concerned shall be kept in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over, produced or transported once the confirmation referred to in paragraph 6 has been received. If the confirmation has not been received within 14 days of the landing the port State Contracting Party may confiscate and dispose of the fish in accordance with national rules.
8. The port State Contracting Party shall without delay notify the master of the fishing vessel of its decision on whether to authorize the landing or transshipment by returning a copy of the form PSC 1 or 2 with Part C duly completed. This copy shall also be transmitted to the Executive Secretary without delay.
9. In case of cancellation of the prior notification referred to in Article 47, paragraph 2, the port State Contracting Party shall forward a copy of the cancelled PSC 1 or 2 to the flag state Contracting Party and the Executive Secretary.

10. Unless otherwise required in a recovery plan, the port State Contracting Party shall carry out inspections of at least 15 % of all such landings or transshipments during each reporting year.
11. Inspections shall be conducted by authorized Contracting Party inspectors who shall present credentials to the master of the vessel prior to the inspection.
12. The port State Contracting Party may invite inspectors of other Contracting Parties to accompany their own inspectors and observe the inspection of landings or transshipment operations.
13. An inspection shall involve the monitoring of the entire discharge or transshipment in that port and the port State Contracting Party shall as a minimum:
 - a) cross-check against the quantities of each species landed or transhipped,
 - i. the quantities by species recorded in the logbook
 - ii. catch and activity reports, and
 - iii. all information on catches provided in the prior notification (PSC 1 or 2)
 - b) verify and record the quantities by species of catch remaining on board upon completion of landing or transshipment;
 - c) verify any information from inspections carried out pursuant to Chapter IV;
 - d) verify all nets on board and record mesh size measurements;
 - e) verify fish size for compliance with minimum size requirements.
14. Each inspection shall be documented by completing form PSC 3 (port State Control inspection form) as set out in Annex XIII. The inspectors may insert any comments they consider relevant. They shall sign the report and request that the master sign the report. The master may insert any comment he considers relevant and shall be provided with a copy of the report.
15. The port State Contracting Party shall without delay transmit a copy of each port State Control inspection report and, upon request, an original or a certified copy thereof, to the flag State Contracting Party and to the flag State of any vessel that transhipped catch to the inspected fishing vessel. A copy shall also be sent to the Executive Secretary without delay.
16. The port State Contracting Party shall make all possible efforts to avoid unduly delaying the fishing vessel and ensure that the vessel suffers the minimum interference and inconvenience and that unnecessary degradation of the quality of the fish is avoided.

Article 46 - Duties of the Flag State Contracting Party

1. The flag State Contracting Party shall ensure that the master of any fishing vessel entitled to fly its flag complies with the obligations relating to masters set out in this Chapter.
2. The flag State Contracting Party of a fishing vessel intending to land or tranship, or where the vessel has engaged in transshipment operations outside a port, the flag State Contracting Party or parties, shall confirm by returning a copy of the form, PSC 1 or 2, transmitted pursuant to Article 45 (5) with part B duly completed, stating that:
 - a) the fishing vessel declared to have caught the fish had sufficient quota for the species declared;
 - b) the declared quantity of fish on board has been duly reported by species and taken into account for the calculation of any catch or effort limitations that may be applicable;
 - c) the fishing vessel declared to have caught the fish had authorization to fish in the areas declared; and
 - d) the presence of the vessel in the area in which it has declared to have taken its catch has been verified by VMS data.

Article 47 - Obligations of the Master of a Fishing Vessel

1. The master or the agent of any fishing vessel intending to make a port call shall notify the competent authorities of the port State Contracting Party within the notification period referred to in Article 45 (2). Such notification shall be accompanied by the form provided for in Annex XXIV with Part A duly completed as follows:
 - a) Form PSC 1 , as referred to in Annex XXIV (A) shall be used where the vessel is landing or transshipping its own catch; and
 - b) Form PSC 2, as referred to in Annex XXIV (B), shall be used where the vessel has engaged in transshipment operations. A separate form shall be used for each donor vessel .
 - c) Both forms PSC 1 and PSC 2 shall be completed in cases where a vessel is intending to land both its own catch and catch that was received through transshipment.
2. A master or the agent may cancel a prior notification by notifying the competent authorities of the port they intended to use. The notification shall be accompanied by a copy of the original PSC 1 or 2 with the word “cancelled” written across it.
3. The master of a fishing vessel shall:
 - a) co-operate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures and shall not obstruct, intimidate or interfere with the port State inspectors in the performance of their duties;
 - b) provide access to any areas, decks, rooms, catch, nets or other gear or equipment, and provide any relevant information which the port State inspectors request including copies of any relevant documents.

Article 48 - Duties of the Executive Secretary

1. The Executive Secretary shall without delay post on the NAFO website:
 - a) the list of designated ports;
 - b) the prior notification periods established by each Contracting Party;
 - c) the information about the designated competent authorities in each port State Contracting Party.
2. The Executive Secretary shall without delay post on the secure part of the NAFO website:
 - a) copies of all PSC 1 and 2 forms transmitted by port State Contracting Parties;
 - b) copies of all inspection reports, as referred to in Annex XIII (PSC 3 form), transmitted by port State Contracting Parties.
3. All forms related to a specific landing or transshipment shall be posted together.

Article 49 – Serious infringements

The following infringements shall be considered serious:

- a) preventing inspectors from carrying out their duties (Article 47 (3));
- b) landing or transshipping in a port not designated in accordance with the provisions of Article 45 (1);
- c) failure to comply with the provisions of Article 47 (1);
- d) landing or transshipping without authorization of the port State as referred to in Article 45 (6);

Such infringements shall be followed up according to appropriate national legislation.

The provisions in Article 41(1), (2) and (3) shall apply.

Part III – Amendments to Chapter VI, Scheme to promote compliance by non-Contracting Party vessels with recommendations established by NAFO.

(New) Article 46 (2) bis (before renumbering)

Nothing in this Scheme shall be interpreted to prevent a port State Contracting Party from allowing a non-Contracting Party vessel entry into its ports for the purpose of conducting an investigation of, or taking appropriate enforcement action against the vessel.

(New) *Article 49 (before renumbering) – Entry and inspection in port*

1. Masters of non-Contracting Party vessels intending to call into a port shall notify the competent authority of the port State Contracting Party in accordance with the provisions of Article 47. The port State Contracting Party shall forward without delay this information to the flag State of the vessel and to the Executive Secretary.
2. The port State Contracting Party shall prohibit the entry into its ports of vessels that have not given the required prior notice and provided the information referred to in paragraph 1. The vessel shall in any case not be allowed to enter the port unless a confirmation issued by the flag State in accordance with the provisions in Article 46 (2) is presented.
3. When a non-Contracting Party vessel referred to in Article 47 (1) enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of the Conservation and Enforcement measures (and this Scheme), and shall not be allowed to land or tranship until this inspection has taken place. Such inspections shall include the vessels documents, log books, fishing gear, catch on board any other matter relating to the vessels activities in the Regulatory Area. The inspection shall be documented by at least completing the inspection form provided in Annex XIII.
4. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall without delay be sent to the Executive Secretary who shall post the information on the secured part of the NAFO website and inform the flag State, relevant RFMOs and other Contracting Parties.

All Articles in Chapter VI and VII must be renumbered accordingly.

Part IV – New annex XIII and XXIV

ANNEX XIII to be deleted and replaced by:

Report on Port State Control inspection (PSC 3)

A. INSPECTION REFERENCE. PLEASE USE BLACK INK					
Landing	Yes	No	Transhipment	Yes	No
	Port State			Port of landing or transhipment	
Vessel name		Flag State	IMO Number ¹	Int. Radio call sign	
Landing/transhipment started		Date		Time	
Landing/transhipment ended		Date		Time	

B. INSPECTION DETAILS			
Name of donor vessel ²	IMO Number ¹	Radio call sign	Flag State

B 1. CATCH RECORDED IN THE LOGBOOK			
Species ³	Area of catch	Declared live weight kg	Conversion factor used

¹Fishing vessels not assigned an IMO number shall provide their external registration number.

²In case where a vessel has engaged in transhipment operations. A separate form shall be used for each donor vessel.

³FAO Species Codes – NEAFC Annex V – NAFO Annex II

B 2. FISH LANDED OR TRANSHIPPED										
Species ⁴	Product ⁵	Area of catch	Product weight landed in kg	Con- version factor	Equivalent live weight kg	Diff (kg) between live weight declared in the logbook and the live weight landed	Diff (%) between live weight declared in the logbook and the live weight landed	Diff (kg) between Product weight landed and PSC 1/2	Diff (%) between Product weight landed and PSC 1/2	
B 3. INFORMATION ABOUT LANDINGS AUTHORISED WITHOUT CONFIRMATION FROM THE FLAG STATE										
Name of storage, name of competent authorities, deadline for receiving confirmation, ref. NEAFC art. 23.2 / NAFO art. 45.6										
B 4. FISH RETAINED ON BOARD										
Species ⁶	Product ⁷	Area of catch	Product weight in kg	Conversion factor	Live weight kg	Diff. (kg) between product weight on board and PSC 1/2	Diff. (%) between product weight on board and PSC 1/2			
C. GEAR INSPECTION IN PORT (NAFO only)										
C1. General data										
Number of gear inspected				Date gear inspection						
Has the vessel been cited ?			Yes		No	If yes, complete the full "verification of inspection in port form. If no, complete the form with the exception of the NAFO Seal Details				
C2. Otter Trawl details										
NAFO Seal number				Is seal undamaged ?			Yes		No	
Gear type										
Attachments										
Grate Bar Spacing mm.										
Mesh type										
Average mesh sizes (mm)										
Trawl part										
Wings										
Body										
Lenghtening Piece										
Codend										
D. OBSERVATIONS BY THE MASTER										

⁴ FAO Species Codes – NEAFC Annex V – NAFO Annex II

⁵ Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)

⁶ FAO Species Codes – NEAFC Annex V – NAFO Annex II

⁷ Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)

<p>I,the undersigned, Master of the vessel hereby confirm that a copy of this report have been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of this report, except my own observations, if any.</p> <p>Signature: _____ Date : _____</p>			
E. INFRINGEMENTS AND FOLLOW-UP			
E.1 Sea Inspection			
Infringements resulting from Inspections inside NAFO R.A.			
Inspection Party	Date of insp.	Division	NAFO CEM infringement legal reference
E.2 Port Inspection Infringements results			
(a) - Confirmation of Infringements found at sea inspection			
NAFO CEM infringement legal reference		National Infringement legal reference	
(b) - Infringements found at sea inspection and not possible to be confirmed during the Port Inspection.			
Comments :			
(c) - Additional infringements found during the Port Inspection			
NAFO CEM infringement legal reference		National Infringement legal reference	
Observations :			
F. DISTRIBUTION			
Copy to flag State	Copy to NEAFC Secretary	Copy to NAFO Executive Secretary	

ANNEX XXIV

PORT STATE CONTROL PRIOR NOTIFICATION FORMS

B – PSC 2

PORT STATE CONTROL FORM – PSC 2									
PART A: To be completed by the Master of the Vessel. A separate form shall be completed for each donor vessel. Please use black ink									
Name of Vessel:		IMO Number: ¹		Radio Call Sign:		Flag State:			
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:			
Port of Landing or Transhipment:									
Estimated Time of Arrival:		Date:		Time UTC:					
Catch Information for Donor Vessels *A separate form shall be completed for each Donor Vessel*									
Name of Vessel		IMO Number ¹		Radio Call Sign		Flag State			
Total catch on board – all areas							Catch to be landed²		
Species ³	Product ⁴	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)		
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas					
PART B: For official use only - to be completed by the Flag State									
The Flag State of the vessel must respond to the following questions by marking in the "Yes" or "No"						NEAFC CA		NAFO RA	
						Yes	No	Yes	No
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared									
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable									
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared									
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data									
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.									
Name and Title:						Date:			
Signature:				Official Stamp:					
PART C: For official use only - to be completed by the Port State									
Name of Port State:									
Authorisation:		Yes:		No:		Date:			
Signature:				Official Stamp:					
1. Fishing vessels not assigned an IMO number shall provide their external registration number									
2. If necessary an additional form or forms shall be used									
3. FAO Species Codes – NEAFC Annex V - NAFO Annex II									
4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)									

Annex 15. Product Labelling Requirements (Proposal by the EC)
(STACTIC WP 08/8 Revised **now** FC Doc 08/10)

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.

The consolidated changes, in particular in relation to the Article 22, 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.

In order to avoid all possible misunderstanding, the European Union wish to clarify the objective of Article 22 and the way it should be implemented.

PROPOSAL:

Article 22 – Product Labelling Requirements

When processed, all fish harvested in the Regulatory Area shall be labelled in such a way that each species and product category and, in the case of shrimps, the date of capture, is identifiable using respectively the 3-Alpha Code in Annex II and the product form code in Annex XX(c). It shall also be clearly marked as having been caught in the Regulatory Area.

Furthermore, all shrimps harvested in Divisions 3L and 3M and all Greenland halibut harvested in Subarea 2 and Divisions 3KLMNO shall be marked in accordance with the stock area.

**Annex 16. Standardization of Term used in the Conservation and Enforcement
Measures for Fishing Gear that comes into Contact with the Ocean Bottom
(Proposal by the US)**

(STACTIC WP 08/15 now FC Doc 08/11)

Background:

At the STACTIC meeting in Nuuk, Greenland 2-4, July, 2008, NAFO staff, in STACTIC Working Paper 08/05, noted the following different terms used in the NAFO Conservation and Enforcement Measures (CEM), Article 14 and 15, to identify fishing gear which comes into contact with the ocean bottom:

Article 14 - Area and Time Restriction

5. *As of January 1, 2007 and until December 31, 2010, the following areas shall be closed to all fishing activities involving **demersal fishing gear**. . . .*

Article 15 – Coral Protection Zone

1. *As of January 1, 2008, and until December 31, 2012, the following area in Division 3O shall be closed to all fishing activity involving **bottom contact gear**. . . .*

NAFO staff proposed that STACTIC should recommend to the Fishery Commission a standardized term for describing such gear. Several terms were identified as candidates for a standardized term based on staff recommendations and similar terms currently in use in other international texts. The United States proposed using terms consistent with the FAO draft technical guidelines on deep-sea fishing which describes bottom contact gear as fishing gear that “is likely to contact the seafloor during the normal course of fishing operations.” There was insufficient time at the STACTIC meeting for contracting parties to come to a consensus on the United States proposal. The Chair asked the U.S. if it would prepare a written proposal to recommend the use of a standardized term. After reviewing terms used in the FAO draft technical guidelines on deep-sea fishing and other international documents referring to bottom fishing activities, the U.S. proposes the following terms to describe fishing activities which interact with the ocean bottom.

Proposal

The NAFO CEM is proposed to be amended by adding the following term and its definition to the Article 2 Definition section:

“bottom fishing activities” means any fishing activity involving gear that contacts or is likely to contact the ocean bottom during the normal course of fishing operations.

AND

by amending Articles 14 and 15 as follows:

Article 14 - Area and Time Restriction

5. *As of January 1, 2007 and until December 31, 2010, the following areas shall be closed to all **bottom fishing activities**.*

Article 15 – Coral Protection Zone

1. *As of January 1, 2008, and until December 31, 2012, the following area in Division 3O shall be closed to all **bottom fishing activities**.*

**Annex 17. Amendments to Chapter IV – CEM – Article 33
Obligations of Vessel Masters during Inspection (Proposal by Canada)**
(STACTIC WP 08/16 Revised now FC Doc 08/12)

Explanatory Memorandum

The provisions found under Article 33 are intended to facilitate the work of an Inspector during inspections. Under the current Measures, masters do not have to provide inspectors with the start and end coordinates of fishing activity. This information is important as it assists inspectors with determining compliance with the NCEM's.

In order to ensure compliance with the NCEM's, additional obligations are required of the master which can be incorporated under Article 33.

Proposal

**Make additional information available to Inspectors to ensure compliance with NCEM's
Amend Chapter IV - Article 33.1 - Obligations of Vessel Masters during Inspections, by adding a new sub paragraph:**

The master of a fishing vessel shall:

a, b, c, and d unchanged

e) Record, and provide to an inspector upon request, coordinates pertaining to the start and end locations of any trial tow conducted in reference to Article 11 paragraph 3 c).

Annex 18. Large-mesh (modified Polish-type) Topside Chafers (Proposal by Canada)
(STACTIC WP 08/17 now FC Doc 08/13)

Explanatory Memorandum

The NAFO Conservation and Enforcement Measures (NAFO/FC Doc. 08/1), Chapter I, Article 12. 6 states the following:

“Vessels shall not use any means or device which would obstruct the mesh or diminish the size of the meshes. However, vessels may attach devices described in Annex XV to the upperside of the codend in such a manner that they will not obstruct the meshes of the codend inclusive of any lengthener(s).”

The use of the topside chafers permitted in Annex XV was originally conceived to allow for the protection of the top of a codend in the event that it turned over on the ocean floor or during retrieval and in cases where side-trawlers were employed that took codends onboard over the side of the vessel. The use of side-trawlers has declined to a point where there are no longer any operating in the NRA and rarely, if ever, do trawls towed by stern trawlers turn over.

In addition to the above noted factors, the advent of, and shift to, stronger and more buoyant man-made materials, coupled with trawl designs that taper away from the bottom, have all but eliminated the justification for topsider chafers.

PROPOSAL

Prohibiting the use of Large Mesh (modified Polish-Type) topside chafers in the NRA: effective January 1, 2009.

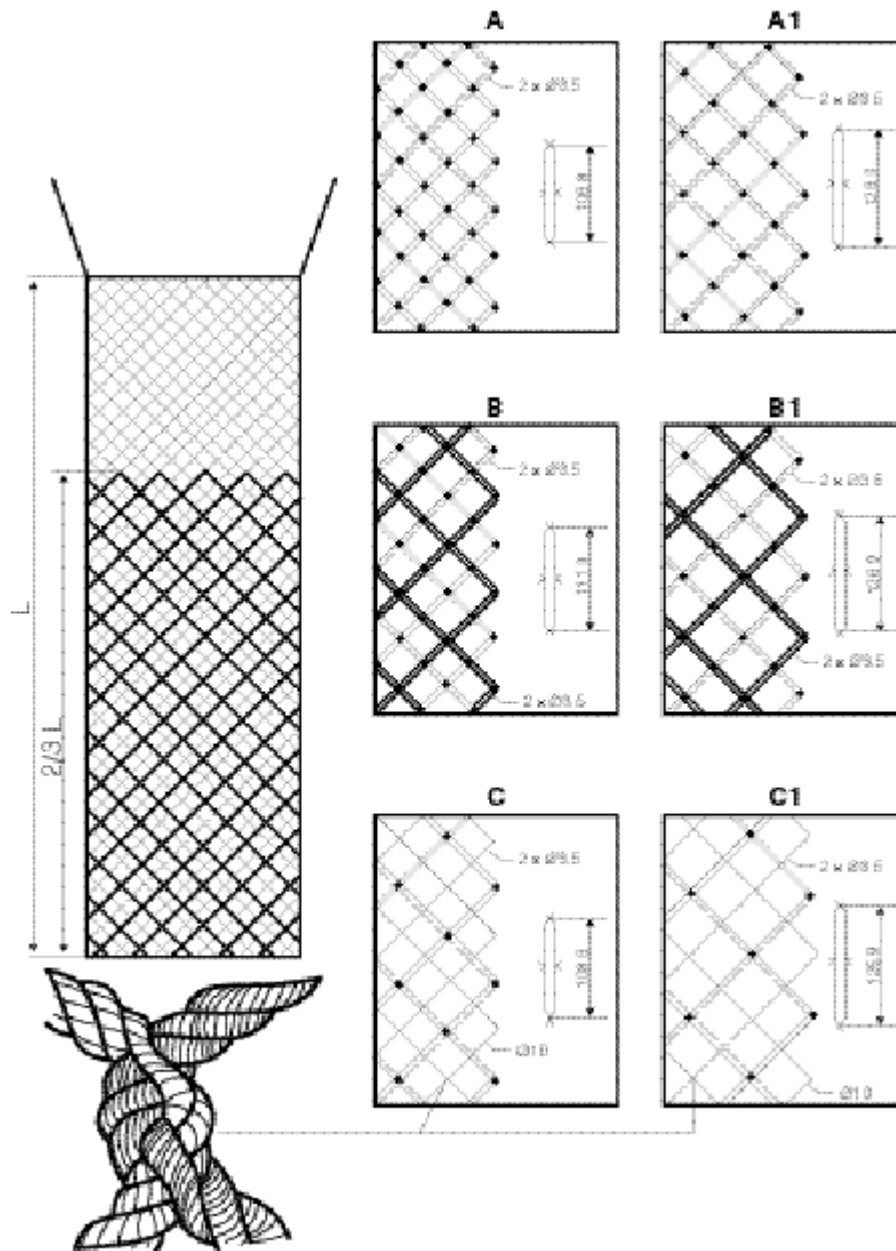
In order to eliminate unnecessary and potentially restrictive protective gear Canada would propose a prohibition on the use of Large Mesh (modified Polish-Type) topside chafers in the NRA, by way of the below amendment of the NCEM's, effective for the 2009 NAFO fishery.

Amend: Annex XV – Conservation and Management Measures as follows:

Delete the following from Annex XV;

3. Large-mesh (modified Polish-type) topside chafer

The large-mesh topside chafer consists of a rectangular piece of netting made of the same twine material as the codend, or of a single, thick, knotless twine material, attached to the rear portion of the upper side of the codend and extending over all or any part of the upperside of the codend and having in all its parts a mesh size twice that of the codend when measured wet and fastened to the codend along the forward, lateral and rear edges only of the netting in such a way that each mesh of the netting coincides with four meshes of the codend.



Annex 19. Annual Compliance Review 2008
(STACTIC WP 08/20 Revision 2 now FC Doc 08/20)

1. Introduction

In 2004, NAFO introduced its first compliance review (FC 04/13). This review uses information from diverse NAFO monitoring, control and surveillance (MCS) activities to determine how well the international fisheries complied with the annually updated NAFO Conservation and Enforcement Measures (NCEM). The review also assesses the performance of NAFO Contracting Parties with regard to their monitoring and enforcement obligations.

The format of the compliance review is being continuously developed by the Standing Committee on International Control (STACTIC). The current 2008 NAFO compliance review compares information for the years 2004 to 2007 from the following sources: a) Vessel Monitoring System (VMS), b) Observer Reports, c) Port Inspection Reports, d) At-sea Inspection Reports and e) Reports on Dispositions of Apparent Infringements. The data tables were compiled by the NAFO Secretariat and circulated to the Contracting Parties in June 2008 as Working Paper 08/3 for review and discussion.

2. Fishing Activities (effort) in the NAFO Regulatory Area

In the years covered by this review, the fishery in the NAFO Regulatory Area (NRA) has continually diminished. In 2004, there were 134 active vessels operating in the NRA. By 2007 the number of active vessels had decreased to 76, representing a 43% decrease (Figure 1). This decrease is particularly pronounced in the pelagic redfish fishery where vessels dropped by almost 60%, from 48 in 2004 to only 20 in 2007.

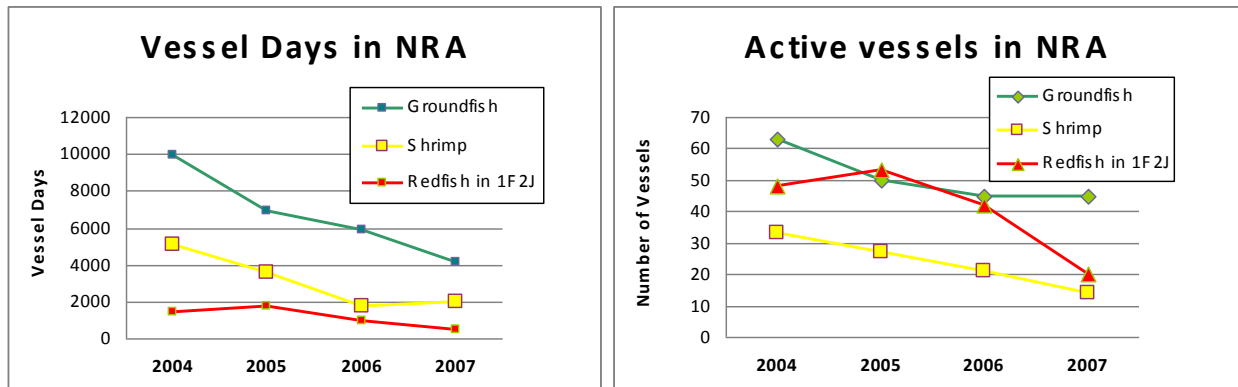


Figure 1. Number of vessels and vessel days in the NAFO Regulatory Area by fishery type

The fishing effort is measured in vessel-days per year in the NRA. Vessel-days are ascertained by the position reports transmitted by the vessels through their respective Fisheries Monitoring Centres via the VMS. Although the number of vessels decreased by 43%, from 2004 to 2007 total fishing effort diminished by 60%, i.e. from 16,480 days to 6,598 days (Figure 1, Table 5). The fact that fishing effort has declined more than the number of vessels per year suggests that the average duration of the fishing trips has become shorter over time. NAFO identifies three main different fishery types, i.e. groundfish, shrimp and pelagic redfish fisheries. Almost two thirds of the fishing effort can be attributed to the groundfish fishery (62%) whereas the pelagic redfish fishery only accounts for a tenth of the effort (11%). It should be noted that the number of vessel days in the NRA for the pelagic redfish fishery declined by 65 percent, from 1,414 days in 2004 to 488 days in 2007, as compared to a 62 percent decline in the shrimp fishery and a 58 percent decline in the groundfish fishery.

3. Compliance by Fishing Vessels

To ensure that vessels fishing in the NAFO Regulatory Area adhere to the NAFO conservation and management measures, NAFO monitors, surveys and controls the fishery. In this context NAFO conducts joint at-sea inspections by NAFO-certified inspectors as well as inspections in NAFO member ports. Through the random at-sea and obligatory port inspections, NAFO is able to uncover infringements of the NAFO regulations and collect evidence for the following prosecution within the legal system of each NAFO flag state.

Although the total number of at-sea inspections decreased from 401 inspections in 2004 to 296 inspections in 2007, the frequency rate of at-sea inspections in relation to the effort (number of inspections per vessel-days per year) actually increased from 2.4% in 2004 to 4.5% in 2007 (Figure 2). Inspection rates increased in all three fishery types.

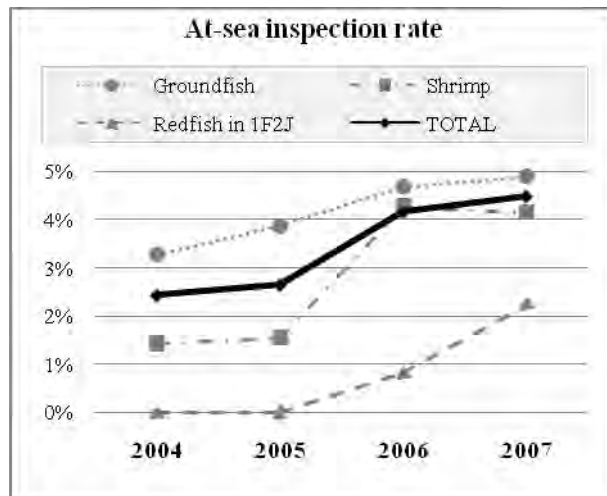


Figure 2. Inspection rates (number of at-sea inspection/vessel-days) in the NAFO Regulatory Area by fishery type.

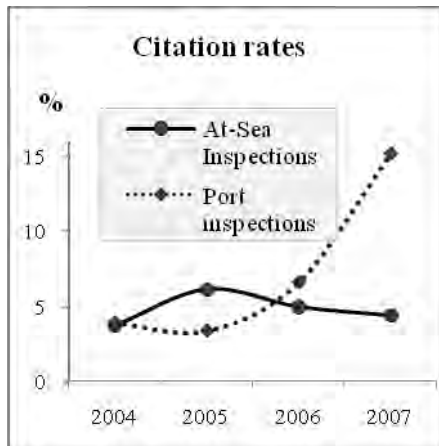


Figure 3. Percentage of inspections that resulted in a citation at sea and in ports

NAFO inspectors cite a vessel if they have reason to suspect that the vessel breached one or more NAFO regulations. During the review period, at-sea inspectors issued between 13 and 20 citations per year¹ and the average citation rate (i.e. the percentage of inspections resulting in a citation) of about 5% of the at-sea inspections remained fairly constant during the review period. In contrast, for port inspections the citation rate more than doubled in 2007 compared to previous years (Figure 3, Table 6).

Each citation issued by NAFO inspectors can list one or more infringement. NAFO recognizes 10 serious infringements (CEM Article 36.1). NAFO inspectors also detect other infringements that are not classified as serious, such as missing stowage plans or product labels. The frequency of infringements found by NAFO inspectors during the review period is presented in Figure 4. More detail on these infringements for the years 2004 through 2007 is provided in Table 5. The most frequent infringement is inaccurate recording of catches, a serious offence that was particularly pronounced (59 %) in citations issued in 2007 by port inspectors. In addition, based on the information presented in Table 5, it appears

¹Inspections for the sole purpose of confirming a previous citation were not counted.

that mis-recording of catches on stowage plans is more detectable at sea, while inaccurate recording of catches is more detectable in port.

The percentage of infringements by fisheries type is displayed in Figure 5. More than half of the infringements come from groundfish vessels. This can be attributed to the fact that groundfish fishery effort constitutes more than half of the total fishing effort in the NAFO Regulatory Area in terms of vessel-days. It should be further noted that all of the infringements detected by port inspectors involved groundfish vessels (Table 5).

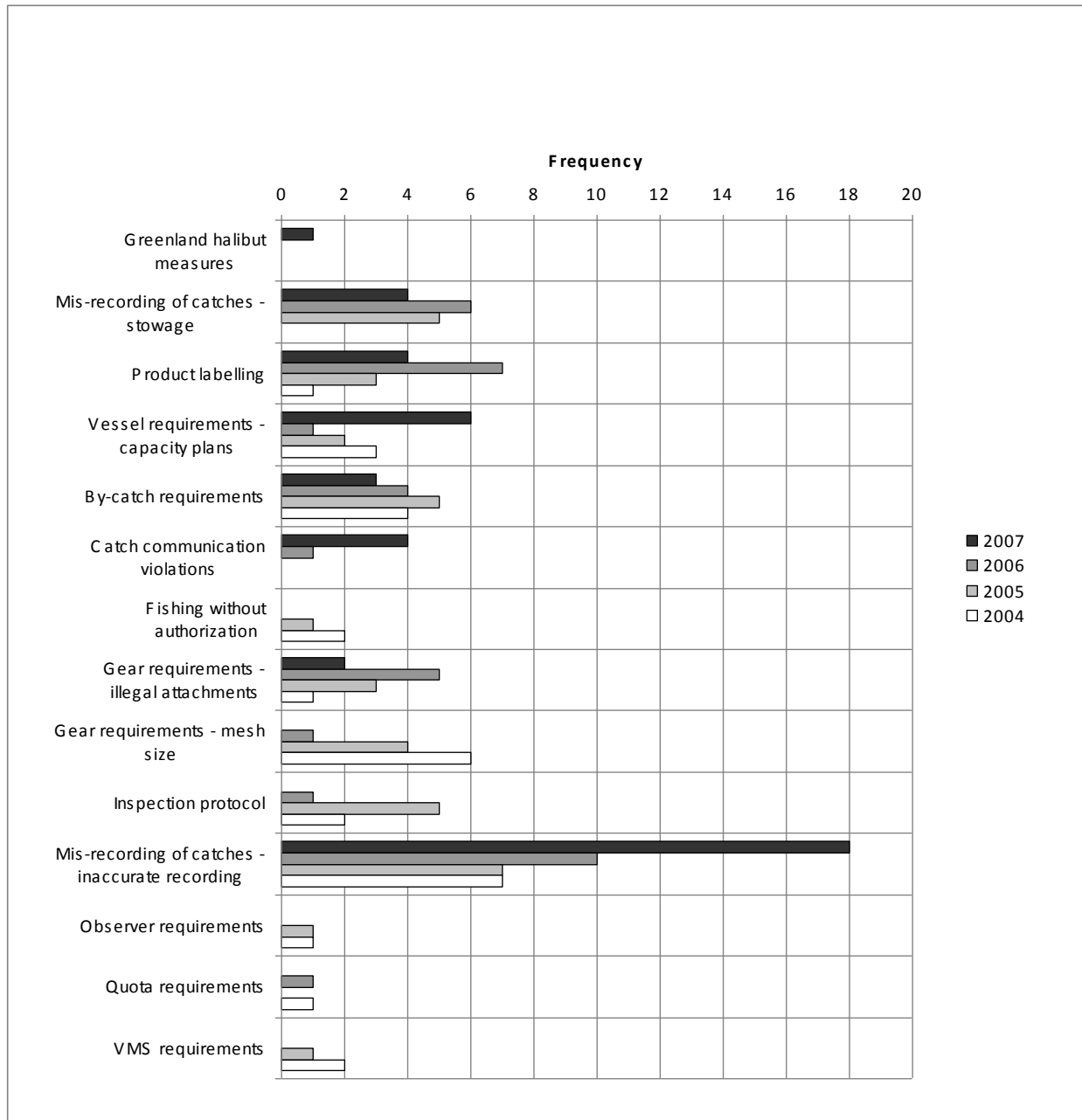


Figure 4. Apparent Infringements detected by NAFO at-sea and port inspectors. *Please note that the first 4 are non-serious infringements and the remaining 10 are serious infringements.

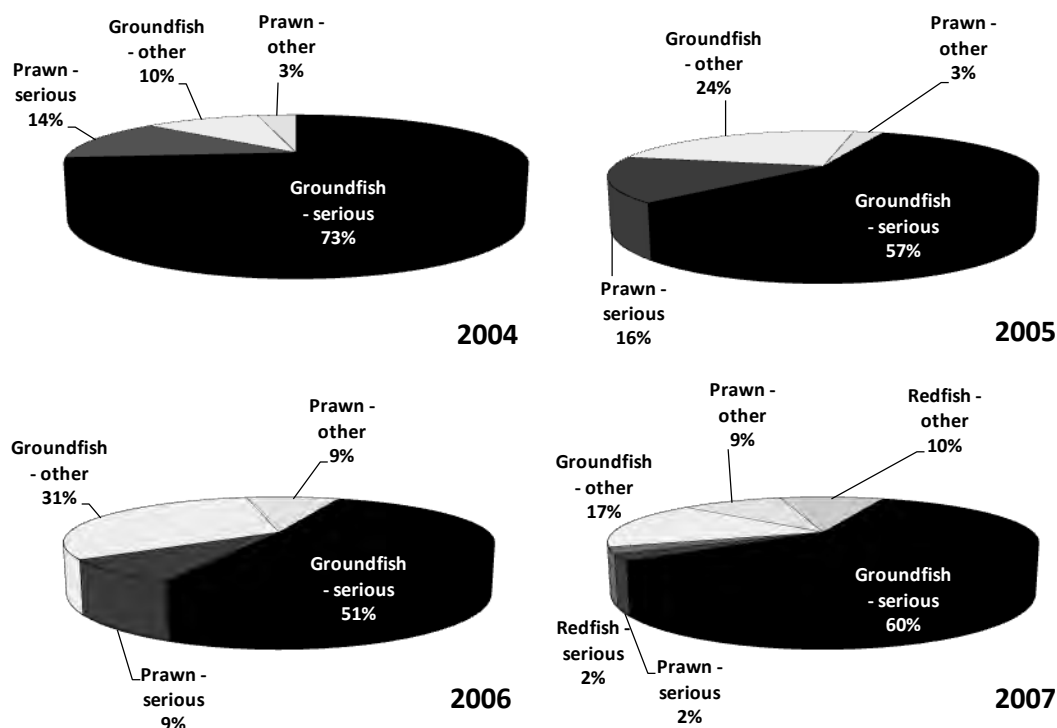


Figure 5. Percentages of serious (dark areas) and non-serious (light areas) infringements (by fishery type) detected by at-sea and port inspectors.

4. Reporting obligations by fishing vessels and NAFO Contracting Parties

Monitoring the NAFO fisheries includes submission of reports on catch and effort by vessel from different sources: VMS reports such as Catch-on-Entry (COE) and Catch-on-Exit (COX) are submitted by the fishing vessels through their respective Fisheries Monitoring Centres; port inspection reports by the port authorities; and observer reports² by the flag state members. These reports from different sources allow a comparative analysis of catches; they should ideally cover 100% of the fishing trips and account for all the days the fishing vessels are present in the NRA. Figure 6 shows the relative coverage of fishing trips from the reports received; deviations from 100% are caused by missing reports.³ Since 2005, catch reports received by NAFO VMS have become the most complete source on catch-by-vessel information whereas the coverage by observers has recently decreased due to the implementation of the electronic catch reporting scheme.

²Vessels fishing in the NRA are required to have 100% observer coverage, i.e. presence of an independent observer on board at all times. Since 2007, Contracting Parties can alternatively opt for a daily electronic catch reporting scheme (see CEM, Chapter VII) which allows them to reduce the observer coverage on their vessels by up to 25%.

³ The percentage coverage for VMS catch reports (COE-COX) shown in Figure 6 was calculated from the number of days as indicated in each report and the total effort (vessel-days) as validated from the VMS position reports. Port reports included transshipments at sea (particularly important for the pelagic redfish fishery). In the evaluation of observer reports coverage, vessel-days of vessels participating in the electronic catch reporting scheme are excluded.

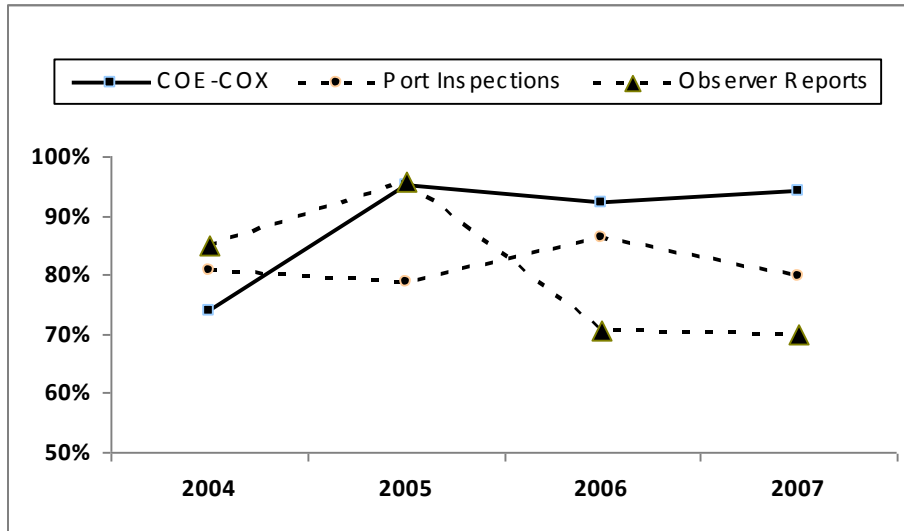


Figure 6. *Percentage coverage of fishing effort by VMS, Port Inspection and Observer Reports.*

Another issue is the timeliness of reports submitted by Contracting Parties to the NAFO Secretariat (as specified in NAFO CEM 2008 by Articles 27, 34, and 45). Figure 7 shows that with the exception of at-sea inspections most reports are not submitted within 30 days as required. Recently, at-sea inspection reports are also frequently delayed. It should be noted that timeliness of submission does not necessarily equate to a failure to submit the required reports.

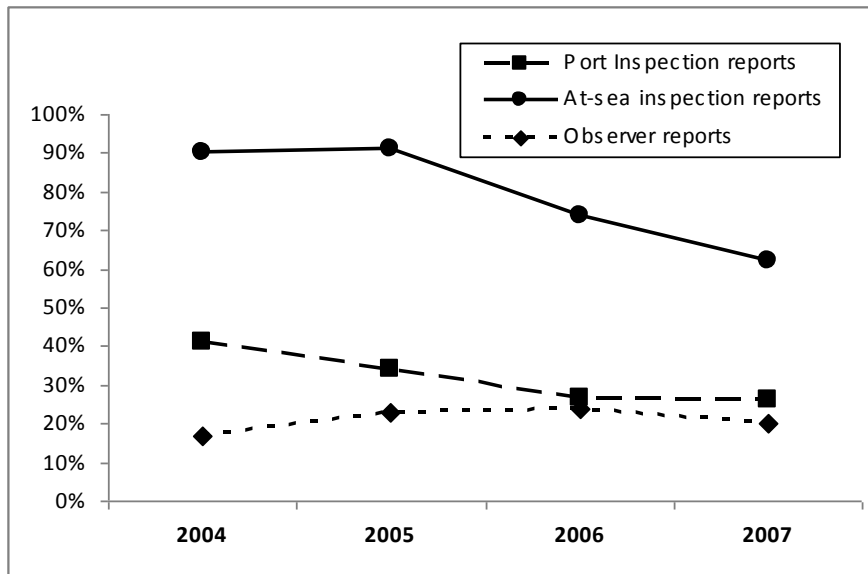


Figure 7. *Timeliness of submission of reports.*

5. Follow-up to infringements

Flags states are obligated to follow-up with further investigations and legal prosecution when NAFO inspectors issue a citation against a Contracting Party vessel. The Secretariat receives information on the status of each case. The legal procedure can take longer than one year and it is, therefore, not expected that by 2008 all cases of the previous years could be resolved. This information is reflected in Figure 8 and also in Table 6.

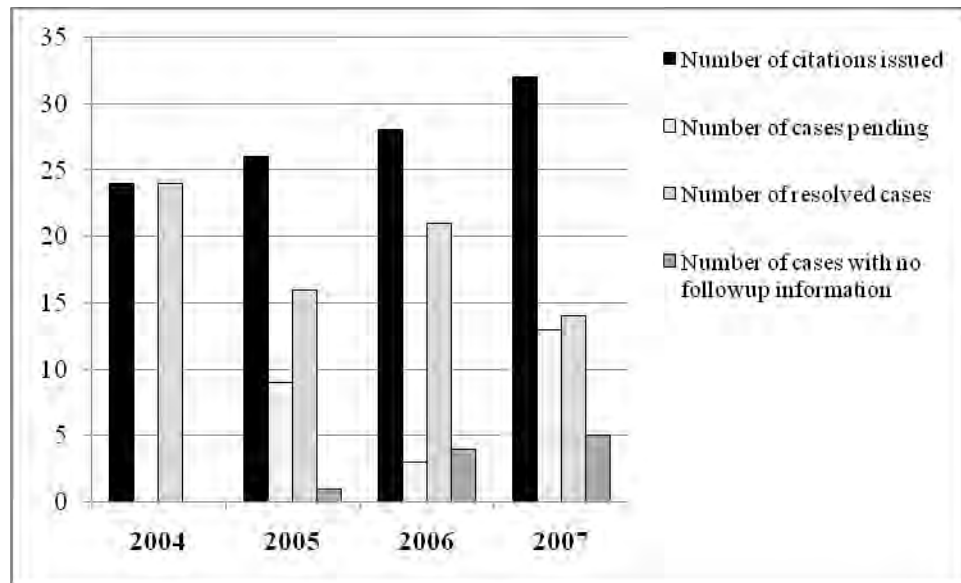


Figure 8. *Legal resolution of citations against vessels fishing in the NAFO Regulatory Area (as of 1st January 2008). A citation is an inspection report (from at-sea or port inspectors) that lists one or more infringements. Inspections carried out for confirming a previous citation are not counted.*

6. Observed trends (period 2004 to 2007)

- The total fishing effort in the NAFO area has declined both in terms of number of vessels in the NRA (43%) and the total number of fishing days (60%). In terms of active vessels, in the groundfish fisheries, effort has declined slightly overall since 2004, but remained stable over the past couple of years. Conversely, there has been a marked decline in the number of active vessels in the pelagic redfish and shrimp fisheries. In terms of vessel days, a 60 % decline in total fishing effort was observed across all 3 fishing types (groundfish, shrimp, and pelagic redfish), with pelagic redfish showing the largest decline of 65 %.
- There was a reduction of approximately 25% in the total number of at sea inspections between 2004 and 2007. The rate of at sea inspections per vessel fishing day increased from 2.4% in 2004 to 4.5% in 2007.
- The number of citations resulting from at sea inspections varied from 13 to 20 during the 4-year period. The citation rate decreased slightly since 2005, but has remained generally stable over the time period.
- There was a 29 % decline in port inspections from 2005 to 2007. The number of vessels cited by Port Authorities per year varied from a low of 6 in 2005 to a high of 16 in 2007. The number of apparent infringements issued ranged from 6 (2005) to 27 (2007), demonstrating a 48 % increase in 2007 in comparison to 2006.
- During the 4 year period, a total of 90 apparent infringements resulted from at sea inspections and 56 from port inspections. The apparent infringement category “Mis-recording of Catches” (Both Stowage and Inaccurate recording related) accounted for 28 of the apparent infringements issued at sea (31%) and 29 in port (52%). These infringements were issued more frequently in relation to groundfish fisheries.
- The follow-up on apparent infringements is of concern, with an increasing number of cases having no follow-up information from the Contracting Party. The Contracting Party may be following up on the apparent infringement, but may not have reported the status back to the NAFO Secretariat.
- Delayed submission of inspection (at sea and in port) and observer reports by Contracting Parties remains an issue. The general trend in timeliness of reporting is static, but there is a notable decrease in the timeliness of at sea inspection reports. Missing observer reports also remain an issue.
- Catch by vessels reported through daily electronic communication has become the predominant way to receive catch information. In parallel, the coverage by observers has recently decreased under this recently implemented electronic catch reporting scheme, which allows Contracting Parties to reduce observer coverage on their vessels by up to 25 %.

7. Annexes (the “Report tables)

Table 1. Submission of Fishing Reports*

Year	Days at the Regulatory Area (Effort)	Number of Days accounted by COE-COX pairs	Percentage of Effort accounted by COE-COX pairs	Number of Days accounted by Port Inspection and TRA reports	Percentage of Effort accounted by Port Inspection and TRA reports	Number of Days accounted by Observer and CAX reports	Percentage of Effort accounted by Observer and CAX reports
2004	16480	12156	74%	13327	81%	12779	78%
2005	12290	11706	95%	9679	79%	11326	92%
2006	8663	7991	92%	7488	86%	5921	68%
2007	6598	6210	94%	5269	80%	4276	65%

*COE = Catch on entry, COX = Catch on exit, TRA = transshipment, CAX = Daily catch report

Table 2. Timely submission of Port Inspection Reports

Year	2004	2005	2006	2007
Total Number of Port Inspection Reports received	228	177	151	125
Total Number of Port Inspection Reports received late	134	117	111	92
Percentage % of late Port Inspection Reports	59%	66%	74%	74%

NB: Article 45 stipulates the transmission of port inspection reports to the Secretariat within 30 days on which the landing was completed.

Port Inspection Reports are submitted by the CP of the Port Inspection Authority.

Table 3. Timely submission of At-Sea Inspection Reports

Year	2004	2005	2006	2007
Total Number of at-sea Inspections	401	326	361	296
Number of at-sea Inspections received late	40	30	95	112
Percentage % of late at-sea Inspection Reports	10%	9%	26%	38%

NB: Timely submission means transmission of the report with 30 days.

At-sea Inspection Reports are submitted by the CP with inspection presence at NAFO Regulatory Area.

Table 4. Timely submission of Observer Reports

Year	2004	2005	2006	2007
Total Number of Observers Reports	211	170	114	84
Number of Observers Reports received late	176	131	87	67
Percentage % of late Observers Reports	83%	77%	76%	80%

NB: Article 24 stipulates the transmission of the observer reports to the Secretariat within 30 days after the completion of the observer's assignment.

Observer Reports are submitted by the Flag State of the vessels.

Table 5-2004, part 1. Effort, at sea inspections and AIs by fisheries type

Fisheries*	GRO	PRA	REB	Total
Number of vessels	63	33	48	134**
Days Present in NRA	9966	5100	1414	16480
Number of at-sea inspections	328	73	0	401
Number of at-sea inspection report containing citation of one or more AIs	13	2	0	15
Number of vessels cited with AIs at sea	10	2	0	12
AIs issued by category - from at-sea inspections***				
Greenland halibut measures				0
Mis-recording of catches -stowage				0
Product labeling	0	1	0	1
Vessel requirements - capacity plans	3	0	0	3
By-catch requirements	3	0	0	3
Catch communication violations				0
Fishing without authorization	0	1	0	1
Gear requirements - illegal attachments	1	0	0	1
Gear requirements - mesh size	5	0	0	5
Inspection protocol	2	0	0	2
Mis-recording of catches - inaccurate recording	1	0	0	1
Observer requirements	0	1	0	1
Quota requirements	1	0	0	1
VMS requirements	0	2	0	2
TOTAL	16	5	0	21
* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redfish in Divs. 1F2J				
** Some vessels switched directed species within the year.				
*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.				

Table 5-2004, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	63	33	48	134**
Days Present in NRA	9966	5100	1414	16480
Number of port inspections	85	138	5	228
Number of port inspection report containing citation of one or more AIs	9	0	0	9
Number of vessels cited with AIs by port authorities	9	0	0	9
AIs issued by category - from port inspections***				
Greenland halibut measures				0
Mis-recording of catches -stowage				0
Product labeling				0
Vessel requirements - capacity plans				0
By-catch requirements	1	0	0	1
Catch communication violations				0
Fishing without authorization	1	0	0	1
Gear requirements - illegal attachments				0
Gear requirements - mesh size	1	0	0	1
Inspection protocol				0
Mis-recording of catches - inaccurate recording	6	0	0	6
Observer requirements				0
Quota requirements				0
VMS requirements				0
TOTAL	9	0	0	9

Table 5-2005, part 1. Effort, at sea inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	50	27	53	116**
Days Present in NRA	6948	3558	1784	12290
Number of at-sea inspections	270	55	1	326
Number of at-sea inspection report containing citation of one or more AIs	16	4	0	20
Number of vessels cited with AIs at sea	14	3	0	17
AIs issued by category - from at-sea inspections***				
Greenland halibut measures				0
Mis-recording of catches -stowage	5	0	0	5
Product labeling	2	1	0	3
Vessel requirements - capacity plans	2	0	0	2
By-catch requirements	2	0	0	2
Catch communication violations				0
Fishing without authorization	0	1	0	1
Gear requirements - illegal attachments	2	1	0	3
Gear requirements - mesh size	3	0	0	3
Inspection protocol	3	1	0	4
Mis-recording of catches - inaccurate recording	5	1	0	6
Observer requirements	0	1	0	1
Quota requirements				0
VMS requirements	0	1	0	1
TOTAL	24	7	0	31
* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redbfish in Divs. 1F2J				
** Some vessels switched directed species within the year.				
*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.				

Table 5-2005, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	50	27	53	116**
Days Present in NRA	6948	3558	1784	12290
Number of port inspections	80	87	10	177
Number of port inspection report containing citation of one or more AIs	6	0	0	6
Number of vessels cited with AIs by port authorities	6	0	0	6
AIs issued by category - from port inspections***				
Greenland halibut measures				0
Mis-recording of catches -stowage				0
Product labeling				0
Vessel requirements - capacity plans				0
By-catch requirements	3	0	0	3
Catch communication violations				0
Fishing without authorization				0
Gear requirements - illegal attachments				0
Gear requirements - mesh size	1	0	0	1
Inspection protocol	1	0	0	1
Mis-recording of catches - inaccurate recording	1	0	0	1
Observer requirements				0
Quota requirements				0
VMS requirements				0
TOTAL	6	0	0	6

Table 5-2006, part 1. Effort, at sea inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	45	21	42	92**
Days Present in NRA	5908	1776	979	8663
Number of at-sea inspections	277	76	8	361
Number of at-sea inspection report containing citation of one or more AIs	11	5	2	18
Number of vessels cited with AIs at sea	10	4	2	16
AIs issued by category - from at-sea inspections***				
Greenland halibut measures				0
Mis-recording of catches -stowage	5	1	0	6
Product labeling	1	2	0	3
Vessel requirements - capacity plans	1	0	0	1
By-catch requirements	2	0	0	2
Catch communication violations				0
Fishing without authorization				0
Gear requirements - illegal attachments	2	2	1	5
Gear requirements - mesh size	0	0	1	1
Inspection protocol	0	1	0	1
Mis-recording of catches - inaccurate recording	4	0	0	4
Observer requirements				0
Quota requirements				0
VMS requirements				0
TOTAL	15	6	2	23

* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redfish in Divs. 1F2J

** Some vessels switched directed species within the year.

*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.

Table 5-2006, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	45	21	42	92**
Days Present in NRA	5908	1776	979	8663
Number of port inspections	76	56	19	151
Number of port inspection report containing citation of one or more AIs	10	0	0	10
Number of vessels cited with AIs by port authorities	10	0	0	10
AIs issued by category - from port inspections***				
Greenland halibut measures				0
Mis-recording of catches -stowage				0
Product labeling	4	0	0	4
Vessel requirements - capacity plans				0
By-catch requirements	2	0	0	2
Catch communication violations	1	0	0	1
Fishing without authorization				0
Gear requirements - illegal attachments				0
Gear requirements - mesh size				0
Inspection protocol				0
Mis-recording of catches - inaccurate recording	6	0	0	6
Observer requirements				0
Quota requirements	1	0	0	1
VMS requirements				0
TOTAL	14	0	0	14

Table 5-2007, part 1. Effort, at sea inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	45	14	20	76**
Days Present in NRA	4158	1948	488	6594
Number of at-sea inspections	202	81	11	294
Number of at-sea inspection report containing citation of one or more AIs	4	5	4	13
Number of vessels cited with AIs at sea	4	5	4	13
AIs issued by category - from at-sea inspections***				
Greenland halibut measures				0
Mis-recording of catches -stowage	3	1	0	4
Product labeling	0	1	0	1
Vessel requirements - capacity plans	0	2	4	6
By-catch requirements				0
Catch communication violations				0
Fishing without authorization				0
Gear requirements - illegal attachments	0	1	1	2
Gear requirements - mesh size				0
Inspection protocol				0
Mis-recording of catches - inaccurate recording	2	0	0	2
Observer requirements				0
Quota requirements				0
VMS requirements				0
TOTAL	5	5	5	15

* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redfish in Divs. 1F2J

** Some vessels switched directed species within the year.

*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.

Table 5-2007, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	45	14	20	76**
Days Present in NRA	4158	1948	488	6594
Number of port inspections	67	51	7	125
Number of port inspection report containing citation of one or more AIs	19	0	0	19
Number of vessels cited with AIs by port authorities	16	0	0	16
AIs issued by category - from port inspections***				
Greenland halibut measures	1	0	0	1
Mis-recording of catches -stowage				0
Product labeling	3	0	0	3
Vessel requirements - capacity plans				0
By-catch requirements	3	0	0	3
Catch communication violations	4	0	0	4
Fishing without authorization				0
Gear requirements - illegal attachments				0
Gear requirements - mesh size				0
Inspection protocol				0
Mis-recording of catches - inaccurate recording	16	0	0	16
Observer requirements				0
Quota requirements				0
VMS requirements				0
TOTAL	27	0	0	27

Table 6. Resolution of Apparent Infringement (AI) Cases (as of January 1, 2008)

	2004	2005	2006	2007
Number of citations issued*	24	26	28	32
Number of cases pending	0	9	3	13
Number of resolved cases	24	16	21	14
Number of cases with no follow-up information	0	1	4	5

* Number of at-sea and port inspection reports issuing serious and non-serious AIs.

A report may contain one or more AI.

Reports serving to confirm identical cases are not counted.

Annex 20. Quota Transfer (Proposal by the EC)
(FC WP 08/31 now FC Doc 08/15)

Explanatory memorandum

NAFO has traditionally allowed Contracting Parties to transfer among themselves fishing possibilities allocated to them.

Such quota transfers have traditionally, for rather unclear reasons, been subject to a mail vote for approval by the Fisheries Commission. There appears however not to be any NAFO rules for this process.

The current practice of submitting each transfer to a mail vote seems unnecessarily cumbersome and does not seem necessary. It would seem sufficient that such transfers be subject to a notification procedure.

Proposal

The following article 10 bis be introduced in the conservation and enforcement measures of NAFO:

1. A Contracting Party may partly or fully transfer fishing possibilities allocated to that Party under Annex I to another Contracting Party. Such transfers shall be subject to the consent of the receiving Contracting Party.
2. A Contracting Party intending to make a transfer in accordance with paragraph 1 shall make a prior notification of the transfer to the Executive Secretary. The Executive Secretary shall forward this notification to all Contracting Parties, for information.

PART II

Report of the Standing Committee on International Control (STACTIC)

**30th Annual Meeting, 22-26 September 2008
Vigo, Spain**

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

The Chairman opened the meeting at 14:45 at the Maritime Station, Vigo, Spain 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 annual meeting.

No opening statements were made.

2. Appointment of Rapporteur

Mr. Gregg Casad (United States) was appointed rapporteur.

3. Adoption of Agenda

The Chair introduced the agenda and opened the floor to comments.

Four additional items were proposed for inclusion under agenda item 8:

- The representative from Iceland proposed an item on sharing of NAFO vessel monitoring system data for the search and rescue cases. *8.i – Use of NAFO VMS information for search and rescue*
- The representative from the EU proposed an item to present additional information on Omega mesh gauges. *8.ii – Omega mesh gauge Working Paper*
- The representative from Canada proposed an item to reflect on the apparent misreporting of shrimp landing in area 3L/3M. *8.iii – Apparent misreporting of shrimp in 3L/3M*
- The representative from the EU proposed to add an agenda item for the next STACTIC meeting. *8.iv – New agenda item for next STACTIC meeting*

The agenda was adopted.

4. Compliance review 2007 including review of reports of apparent infringements

The Chair introduced the agenda item and sought concurrence to review the Working Group on Compliance's report and Working Papers: STACTIC W.P. 08/3, 08/10, 08/11, and FC W.P. 08/7.

For Working Paper 08/10, the Chair reflected on the Secretariat's recommendation to change the report required under Article 28.6 from a quarterly report to inclusion in the annual compliance report. The representative from the United States indicated support for the change given the inclusion of similar information. Canada requested more time to reflect on the issue and the potential impacts of the change.

On Working Paper 08/11, the representative from the EU requested the vessel MADRUS be stricken from the report as it was included in error.

Based on a draft provided in Nuuk, the Chair requested the Compliance Working Group prepare an observed trends section. The Contracting Parties provided input to the Compliance Working Group on the observed trends. Based on the feedback, the Chair for the Compliance Working Group presented STACTIC Working Paper 08/20, Annual Compliance Review 2008. The representative of Canada requested the inclusion of information on compliance within

the shrimp fishery in NAFO Area 3L/3M. The representative of the EU expressed reservation, because the information in the report does not support concerns over compliance within the shrimp fishery. On the issue of VME's, the Compliance Working Group suggested that this should eventually be included in the compliance review, but indicated that this may be premature at present as there was still a need for establish criteria. The Chair recommended Compliance Working Group consider other issues such as inclusion of an analysis of fishing effort in future reports. The Chair expressed concern about the timely submission of Contracting Party inspection and observer reports. STACTIC adopted the Working Paper by consensus for presentation to the Fisheries Committee.

It was agreed to adopt and submit STACTIC Working Paper 08/20, Rev 2 to the Fisheries Commission. The agenda item was closed.

5. Review of current IUU list pursuant to NAFO CEM Article 52.3

The Chair opened agenda item 5 and offered STACTIC Working Paper 08/12 for discussion. STACTIC reviewed the paper and agreed with the addition of four new vessels from the NEAFC IUU vessel list to Table 1 and the removal of three vessels from Table 2. Additionally, STACTIC reviewed the procedures for removal of the POLESTAR from the IUU list upon receipt of NEAFC's removal of the vessel from their IUU list as captured in Article 52.8.

Building on the proposal captured in STACTIC Working Paper 07/32 and 08/9, STACTIC discussed the Norwegian proposal to include the IUU-listed vessels from CCAMLR and SEAFO into NAFO's IUU vessel list. The representative of the United States reiterated their concerns that inclusion based on the IUU vessel list from RFMOs with little or no interaction with NAFO fisheries is not consistent with the Convention's current scope; however, the representative from the United States indicated that the revised Convention text would probably allow for such an action. The representative of the EU noted that any inclusions should consist solely of vessels on a RFMO's final versus interim vessel lists.

Based on the above comment and a review of the responses from CCAMLR and SEAFO to the Secretariat, the Chair recommended deferring the item to allow CCAMLR and SEAFO to determine if they adopt reciprocal agreements and requested the Secretariat track developments of an IUU vessel list within SEAFO.

The item was deferred pending ratification of the new Convention. The agenda item was closed.

6. Port State Control Scheme

The Chair introduced the agenda item and requested comments on the Port State Control proposal, STACTIC Working Paper 08/1. Building on the discussions from the July 2008 intersessional meeting, STACTIC engaged in substantial deliberations regarding the scope of the proposal and key issues such as limiting the scope to other Contracting Party fishing vessels, notification timeframes and inspection level coverage not to conflict with recovery plan inspection requirements. The representative of the EU provided editorial comments to the PSC forms to reflect changes within the Working Paper. The representative of the United States agreed, with concurrence from representatives of Canada, EU, Iceland, and Norway, to provide revised text to STACTIC for the section to incorporate the members' comments. STACTIC has completed review of the Working Paper 08/1, as captured in revision 4. The EU recommended the proposal undergo a review by the Secretariat and the Chair and in coordination with NEAFC. The Chair, supported by Iceland, Norway, and United States, recommended the proposal be forwarded to the Fisheries Commission for adoption.

It was agreed to adopt and submit STACTIC Working Paper 08/1, Rev 4 to the Fisheries Commission. The agenda item was closed.

7. Possible Amendments of Conservation and Enforcement Measures

i. Product labeling by species/stock area (Article 22)

The representative of the EU presented their proposal as captured in STACTIC Working Paper 08/8. The representative of Canada concurs with the first paragraph and offered an amendment to change "respective zones" to "respective stock area." The representative of the EU agreed to the representative of Canada's comment and

recommended the text read, "...shall be marked in accordance with stock area." The representative of Canada captured the change and the proposal was adopted for submission to the Fisheries Commission.

It was agreed to adopt and submit STACTIC Working Paper 08/8 Rev to the Fisheries Commission. This agenda item was closed.

ii. Strengthening ropes, bags, topside chafers

Based on the input from the representative of the EU at the intersessional, Canada presented their proposal, as captured in STACTIC Working Paper 08/17. Based on Canada's changes to the proposal since the Nuuk intersessional, the representatives from Denmark (in respect of the Faroe Islands and Greenland) and EU fully support the proposal. The proposal was approved for submission to the Fisheries Commission.

It was agreed to adopt and submit STACTIC Working Paper 08/17 to the Fisheries Commission. This agenda item was closed.

iii. Automated COE/COX comparison between NAFO and NEAFC reports

The Secretariat presented an update to the automated comparison of COE/COX reports, as captured in STACTIC Working Paper 08/13. The representative of Iceland provided an update on their efforts to coordinate with NEAFC. Further discussions within STACTIC should be based on the NEAFC's upcoming data communication workshop and the production of additional information on the quality of data.

This agenda is deferred to future meetings.

iv. Record of start/end coordinates for fishing activity

The representative of Canada presented their revised proposal on start/end coordinates for fishing activity, as captured in STACTIC Working Paper 08/16. The representative of the EU recommended changing the language to capture trial tows versus all tows. STACTIC reviewed the revised text and the Working Paper was adopted for submission to the Fisheries Commission.

It was agreed to adopt and submit STACTIC Working Paper 08/16 Rev to the Fisheries Commission.. This agenda item was closed.

v. Vessel Monitoring System (Article 25.1)

Building on previous discussions of STACTIC Working Paper 08/7, Canada presented their revised proposal as captured in STACTIC Working Paper 08/18. STACTIC noted support for Canada's proposal to change the reporting interval from two to one hour and include the course and speed information.

It was agreed to adopt and submit STACTIC Working Paper 08/18 to the Fisheries Commission. This agenda item was closed.

vi. Clarification of Article 12.1.e (Gear Requirements) and Annex I.A (Quota Table)

Based on discussions prior to STACTIC's meeting, the representative of Denmark (in respect of the Faroe Islands and Greenland) withdrew this agenda item from consideration.

This agenda item was closed.

vii. Inconsistency of Language in NAFO CEM Articles 14 and 15

Based on the discussions from the July intersessional meeting, the United States presented their proposal on the definition of bottom fishing gear or bottom fishing activity, as captured in STACTIC Working Paper 08/15. Norway asked if the use of the term "activity" extends to additional gear types beyond trawl. Japan recommended utilizing the term bottom contact gear. Canada indicated support for either activity or gear. Norway indicated that as currently proposed the definition would need to be included in Article 2. Denmark (in respect of the Faroe Islands and Greenland) and EU support the United States proposal.

It was agreed to adopt and submit STACTIC Working Paper 08/15 to the Fisheries Commission. This agenda item was closed.

viii. Editorial Changes to the CEM.

The NAFO Secretariat presented STACTIC Working Paper 08/14. The representative of Canada thanked Secretariat for their efforts and recognized the need for review of the measures. EU, joined by Denmark (in respect of the Faroe Islands and Greenland), extended their appreciation to the Secretariat for the efforts to provide this Working Paper. Both Parties foresee some issues of taking the efforts and implementing them in regulations. Additionally, the representative of the EU indicated there could be translation problems. The Chair requested the Contracting Parties reflect on the proposal for additional discussion at a future STACTIC meeting.

The agenda item was deferred for additional discussion at the next STACTIC intersessional meeting.

8. Other matters

i. Use of NAFO VMS information for search and rescue

The representative from Iceland provided a review of a joint Iceland/United States search and rescue operations. As part of the exercise, Iceland identified a question about NAFO's authority to release VMS information for the purpose of search and rescue operations. The representative of France (in respect of St. Pierre-et-Miquelon) indicated the impending adoption of requirement for inclusion of AIS systems onboard their fishing vessels. The representative from Iceland noted that AIS is effective within line of sight coverage, but VMS is valuable to locate vessels in remote locations. The representative of the United States commented that a regulatory process exists in the United States for the use of VMS for search and rescue purposes, and perhaps a provision could be added to Article 25 to allow for the use of VMS information for search and rescue purpose, consistent with privacy and confidentiality requirements. The representative from Canada noted they have a similar regime to the United States and search and rescue has access to VMS data. The general STACTIC consensus was that the release of NAFO VMS data to Contracting Parties in search and rescue cases would be consistent with current confidentiality provisions of NAFO. Iceland, in coordination with Canada and the United States, agreed to prepare a proposal to clarify this position in the CEM for consideration at the next STACTIC meeting.

The agenda item was deferred to the next STACTIC meeting.

ii. Omega mesh gauge Working Paper

The representative of the EU presented STACTIC Working Paper 08/19 on the Omega mesh gauge. The EU requested parties to reflect on the principles and value of adopting the Omega mesh gauge as the standard for inspection. The representative of Canada expressed their appreciation to the EU for providing the information and identified the need to review the information, understand the operating parameters, and the logistics of procuring the gauges. The EU provided information to address Denmark's (in respect of the Faroe Islands and Greenland) request for additional information on the operational testing in the Northern Atlantic and environmental range of the gauge. The Chair expressed a concern over the use of different mesh gauges in different jurisdictions.

The agenda item was deferred to allow Contracting Parties to review the document and revisit the Working Paper at a future meeting.

iii. Apparent misreporting of shrimp in 3L/3M

Building on a Canadian presentation at the intersessional meeting in Nuuk, the representative of Canada provided a synopsis of concerns regarding apparent misreporting in 3L/3M. Canada deferred presentation of a proposal to allow the Fisheries Commission to address the issue of shrimp catch within area 3L.

This agenda item was deferred for additional discussion at a future STACTIC meeting.

iv. New agenda item for next STACTIC meeting

STACTIC agreed that during the next meeting a broad discussion should be undertaken on the Conservation and Enforcement Measures to determine, based on the trends, what compliance objectives NAFO should be focusing on and how they could be achieved in the most cost effective and efficient manner.

This agenda item was agreed to and deferred to the next STACTIC meeting.

9. Time and Place of next meeting

France (in respect of St. Pierre-et-Miquelon) offered to host the next STACTIC intersessional meeting, time and venue to be determined.

10. Adoption of Report

The report was adopted by the representatives.

11. Adjournment

The meeting adjourned at 13:30 on Thursday, September 25, 2008.

Annex 1. Agenda

1. Opening by the Chair, Mads Nedergaard (Denmark in respect of the Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Compliance review 2007 including review of reports of apparent infringements
5. Review of current IUU list pursuant to NAFO CEM Article 52.3
6. Port State Control Scheme
7. Possible Amendments of Conservation and Enforcement Measures
 - i. Product labeling by species/stock area (Article 22)
 - ii. Strengthening ropes, bags, topside chafers
 - iii. Automated COE/COX comparison between NAFO and NEAFC reports
 - iv. Record of start/end coordinates for fishing activity
 - v. Vessel Monitoring System (Article 25.1)
 - vi. Clarification of Article 12.1.e (Gear Requirements) and Annex I.A (Quota Table)
 - vii. Inconsistency of Language in NAFO CEM Articles 14 and 15
 - viii. Editorial changes to the CEM
8. Other matters
 - i. Use of NAFO VMS information for search and rescue
 - ii. Omega mesh gauge Working Paper
 - iii. Apparent Misreporting of shrimp in 3L/3M
 - iv. New Agenda item for next STACTIC meeting
9. Time and Place of the next STACTIC Meeting
10. Adoption of Report
11. Adjournment

SECTION IV
(pages 189 to 218)

**Report of the *ad hoc* Working Group of Fishery Managers and Scientists (WGFMS)
19-20 March 2009
Vigo, Spain**

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**Report of the ad hoc Working Group of Fishery Managers
and Scientists (WGFMS)**

(FC Doc. 09/2)

19-20 March 2009

Vigo, Spain

1. Opening

The Chair (Bill Brodie, Canada) opened the meeting at 9:10 a.m. on Thursday, March 19, 2009 and welcomed delegates to Centro Tecnológico del Mar – Fundación CETMAR in Vigo (Annex 1).

2. Appointment of Rapporteur

Ricardo Federizon (NAFO Secretariat) was appointed as the rapporteur.

3. Adoption of Agenda

New items were inserted to the provisional agenda previously circulated:

- 1) Presentation of EU-Spain on the international survey which it is coordinating in the NAFO Regulatory Area (NRA) (item 4), and,
- 2) Presentation of Canada on its domestic measures and programs to protect Vulnerable Marine Ecosystems (VMEs) within its EEZ (item 5).

Also, four specific items were included and inserted as sub-items under “Other Matters” (item 9):

- a) requirements to conduct assessment in compliance with Article 4bis.3,
- b) submission of a progress report by NAFO to the United Nations on NAFO actions to protect the VMEs,
- c) process and future steps of this Working Group, and
- d) Exploratory Fishery Data Collection form.

The recommendations to be forwarded to the Fisheries Commission (FC) are presented in a separate agenda item (item 8). The adopted agenda reflecting these additions is presented in Annex 2.

**4. Presentation on the Study Project on the Bottom Vulnerable Marine Ecosystems
in the NAFO Regulatory Area (NRA)**

Enrique de Cardenas (EU-Spain) made the presentation of the research study project coordinated by EU-Spain in collaboration with other NAFO Contracting Parties. This project was first announced at the last NAFO Annual Meeting in September 2008. The main objectives of the project are 1) to map the potential VMEs which may occur in the NRA at depths less than 2000 m, 2) to study the distribution of the fishing effort in the NRA, and 3) to identify sensitive areas which may be closed to bottom fisheries. The first scientific cruise is planned for June 2009. Preliminary and final results are expected by 2010 and 2011, respectively. Participants of the project are scientists from Canada, USA, and the EU. The EU re-iterated the invitation to the scientists from other Contracting Parties to participate in this project. Details of the presentation are found in Annex 3.

Participants welcomed this presentation and considered that the research study no doubt will greatly enhance the knowledge on potential VMEs in the NRA.

**5. Presentation on Canada's Actions to Protect
Vulnerable Marine Ecosystems**

Brett Gilchrist (Canada) made a presentation on Canada's actions in protecting the VME's within its EEZ. The presentation summarized the measures and actions which can be classified under fisheries management, ocean management, voluntary measures by the industry, and science projects and special initiatives. Through a “toolbox

approach” the interaction between the categories of measures are identified. Details of the presentation are found in Annex 4.

Upon a question from one NAFO Contracting Party, Mr. Gilchrist specified that Canada used many tools to identify potential VMEs including through the use of threshold levels, but made that determination on a case by case basis.

Other NAFO Contracting Parties also welcomed the presentation by Canada and expressed a wish that Canada continue to report its endeavors to implement the UNGA Resolution to NAFO to ensure, to the extent possible, a coherent approach on the implementation of the UNGA Resolution throughout the NAFO Area.

6. Review of recent information on corals

a) Review of information regarding the identification/refinement of VMEs, and assessment of risk

In response to the FC request for advice during the 2008 Annual Meeting held in Vigo, specifically on the provision of scientific information on the concentration of corals in the NRA (item 9a of FC Doc. 08/19), the Scientific Council (SC) Working Group on the Ecosystem Approach to Fisheries Management (WGEAFM) had met by correspondence in early October. The results of the WGEAFM meeting are contained in document SCS Doc. 08/24, and the SC Response to the FC Request, based on this report and agreed upon during the October meeting of the SC, is contained in SCS Doc. 08/26.

The SC Chair (Don Power, Canada) presented the SC response. Three main coral taxa were evaluated: sea pens (Pennatulaceans), small gorgonians (*Acanella*), and large gorgonians (*Keratoisis*, *Acanthogorgia*, *Paragorgia*, etc.). The term “key location” was introduced to express the area in which a collection of significant coral concentrations was found. The key locations (Figures 2- 6 in pages 12-15 of SCS Doc 08/26) were for the most part nested within the candidate VMEs identified previously (Figure 3 in page 40 of SCS Doc. 08/19). The SC Chair clarified that the identification of the key locations in no way suggests an alteration of the map of the candidate VMEs. A 4 nm area buffer zone around the position of each of the significant coral concentrations was proposed. The 4nm-buffer zone was considered conservative and precautionary until detailed mapping of these areas and additional research on buffer areas becomes available.

The SC Chair also noted that:

- High resolution habitat mapping is required to identify these candidate VME boundaries with greater certainty (e.g. through camera surveys and ROV activities) and will also allow monitoring of health and recovery,
- Further research to quantify the level of Significant Adverse Impact (SAI) for these taxa is required. It is known that these taxa in the trawl path are subject to a very high mortality but it is not known what degree of habitat fragmentation can be tolerated before the population is unable to recover.

b) Provide recommendations to FC on any further mitigation measures

In formulating recommendations, deliberations were made on the following issues:

- Current practices of other countries and Regional Fisheries Management Organizations (RFMOs). It was acknowledged that NAFO would benefit by investigating current practices of other countries and RFMOs concerning VME protection (see item 5).
- Quantification of thresholds. It was recognized that the 100 kg of live corals, currently adopted as the threshold quantity, is on the high end. However, it was considered extremely difficult to determine the appropriate threshold level (see item 8).
- Buffer zones around high coral concentrations. Although SC recommended 4 nm, it was acknowledged that any distance would be arbitrary until confirmed by more scientific research (see items 4 and 6a).
- Specific mitigation measures. Recommended measures are considered as interim measures and these may be altered when the results of the international survey coordinated by Spain becomes available (see item 4). Also, some measures regarding coral concentrations might be interlinked with possible sponge fields. SC will gather and present the scientific information on sponge fields in June 2009. Thus, it was appropriate to defer such recommendations until the next meeting of this WG when the information on sponge fields becomes available (see item 9c).

The recommendations of WGFMS are presented in item 8.

7. Review of bottom fishing footprints

The Secretariat presented the document FCWGWP 09/2 Rev. on the identification of bottom fishing areas (Annex 5). This document was a compilation of the original submissions of the Contracting Parties and flag States. The presentation comprised three parts: 1) actual images/plot of the footprints submitted by CPs and flag States, 2) plot prepared by the Secretariat of the data points of coordinates, as submitted by the CPs and flag States, where the vessels conducted bottom fishing, 3) plot based on the VMS data from 2003-2008 with an overlay of the plots of candidate VMEs.

Upon review of the document and discussion, the Secretariat was asked to proceed with its task of preparing a draft footprint map based on the submissions and the VMS data. The draft footprint map will be forwarded to the SC for review at its June 2009 meeting and to the FC for its adoption in September 2009. It was stressed by some Contracting Parties that the footprint map needed to include the co-ordinates of the existing fishing area in order to provide for legal certainty for fishermen since the implications for fishing in new and existing fishing areas were not the same.

8. Recommendations

Mitigation measures

In response to the UNGA Resolution 61/105 calling for RFMOs to take action on the protection of Marine Vulnerable Ecosystems, the WGFMS examined three options regarding mitigation measures in the protection of corals and assessed the relative risks associated with the options:

1. The areas identified by SC in its October 2008 report (SCS Doc. 08/26) would be closed.
2. The areas identified by Canada in its proposal (WGFMSWP 09/03 Rev. 1) would be closed.
3. The areas identified in either Option 1 or 2 remain open to bottom fisheries.

The WGFMS considered that Option 1 represented a lower risk of significant adverse impact of bottom fishing activities to coral communities while Option 3 represents a higher risk. Option 2 represented an intermediate risk.

The WGFMS recommended to the FC the consideration of Option 2 as amended by the WG. The specific proposals of mitigation measures under this option are contained in the WGFMSWP 09/03 Rev. 2 (Annex 6). The WGFMS highlighted that in taking this decision, the FC should identify the level of risk that it would wish to take. For its future work, the WGFMS requests guidance in this regard.

In forwarding the recommendation, the WGFMS notes that proposed mitigation measures are interim considering future scientific work including the first results of the international survey coordinated by EU-Spain (see item 4) which are expected to be available in 2010.

Thresholds

The WGFMS discussed in detail the issue of thresholds in relation to corals only. It was noted that two sets of threshold values currently exist within NAFO with respect to corals:

1. Those set by FC in the Annual Meeting of 2008 (100 kg of live corals). These are listed in the Interim Encounter Provisions of the NCEM, Chapter Ibis, Article 5bis.
2. Those used by SC to identify significant concentrations and key locations of certain coral species in or near the candidate VME's (in response to a request by FC) (SCS Doc. 08/26).

The WGFMS noted that additional work on identifying sponge fields is ongoing within the SC. The WGFMS considered that 100 kg of live corals as a criterion triggering the interim encounter provision was on the high side, but could not recommend a revised value. It was noted that these interim threshold weights used by the Fisheries Commission had never been seen in maximum observed catch data between 2000 and 2007. There was no unanimous agreement in the WGFMS that the thresholds defined by SC (for identification of key locations) were comparable with or linked to the other threshold definitions (for interim encounter provision). The threshold values calculated by the SC using cumulative weight catch curves were used as reference points to delineate significant catches of corals for the purposes of mapping the survey catches, in addressing the FC request 9 a).

The SC values were not translated into CPUE units due to the short tows used in the research vessel survey data, and the patchiness of the distribution of certain species of corals. The validity of such a translation may not be appropriate.

The WGFMS emphasized the need for a threshold level that is applicable and practical for commercial fishing to be used for indicating an encounter. WGFMS concluded that the issue of coral thresholds should be reviewed by this WGFMS, including, inter alia, information obtained from the SC and the experience gained in contexts beyond NAFO.

9. Other matters

a. Requirement to conduct assessment

The United States, which had requested this agenda item, spoke to its concern that UNGA Resolution 61/105, in its paragraph 83(a), calls for the assessment of the impacts of bottom fishing on known or suspected VMEs without condition, while Article 4bis of Chapter 1bis of the NAFO CEM requires assessments only "where possible". NAFO's Exploratory Protocol for New Fishing Areas intimates that assessments may or may not be "required". In the U.S. view, this inconsistency should not lead to NAFO or its Contracting Parties failing to carry out the provisions of UNGA Resolution 61/105. The EU expressed a similar view, saying that it intended to follow the UNGA guidance in submitting assessments of its bottom fishing activities.

The Secretariat was asked to remind CPs regarding the compliance of Article 4bis.3.i – the obligation to submit information on its fishing plans for 2010 and an initial assessment of the known and anticipated impacts of its bottom fisheries in new and existing fishing areas. The submission will be forwarded to SC and FC. The SC will review and assess the submissions in June 2009, if available, and provide advice to FC.

b. NAFO progress report on the protection of VMEs

Contracting Parties inquired whether the NAFO Secretariat had started to prepare a progress report on its actions concerning the protection of the VMEs, in response to operative paragraph 91 of UNGA resolution 61/105 (also paragraph 107 of 63/112). The Secretariat was asked to circulate the draft to the CPs by April 15 for comments. The report will be forwarded to the UN in time of the April 30 deadline.

c. Process of the WGFMS and Future steps

The WGFMS decided to meet again this year between June (after the SC meeting) and September (before the Annual Meeting in Bergen, Norway) to discuss the findings of the SC on possible sponge fields and other follow-up recommendations to FC. It was determined that the most practical time to hold this meeting was just before the Annual Meeting. The Secretariat was asked to inquire with Norway if it would be possible to hold a two day meeting of the WG in Bergen in September the week before the Annual Meeting.

d. Exploratory Fishery Data Collection form

Denmark (in respect of Faroe Islands and Greenland) introduced a form for discussion and consideration (Annex 7). The form was to be used for data collection during Exploratory Fishery. It captures all the information required as stipulated in Annex XXV of the NAFO Conservation and Enforcement Measures.

The WGFMS agreed that this matter will be further discussed at the next meeting.

10. Adoption of the report

The report was adopted through correspondence after the meeting.

11. Adjournment

The Chair thanked the participants from all Contracting Parties for their hard work over the course of the meeting, the SC Chair for his presentation and contributions, and the NAFO Secretariat for their usual excellent support at the meeting, including the work done by the Rapporteur. EU thanked the Chair for his work in chairing the session.

The meeting was adjourned at 4:10 p.m. on March 20, 2009.

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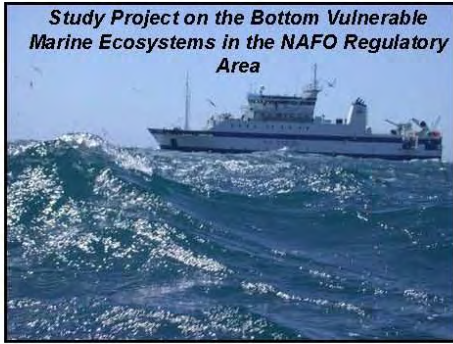
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Annex 2. Agenda

1. Opening.
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Presentation on the Study Project on the Bottom Vulnerable Marine Ecosystems in the NAFO Regulatory Area (NRA)
5. Presentation on Canada's Actions to Protect Vulnerable Marine Ecosystems
6. Review of recent information on corals
 - a) Review of information regarding the identification/refinement of VMEs, and assessment of risk
 - b) Provide recommendations to FC on any further mitigation measures
7. Review of bottom fishing footprints
8. Recommendations
9. Other matters
 - a) Requirement to conduct assessment
 - b) NAFO progress report on the protection of VMEs
 - c) Processes of the WGFMS and future steps
 - d) Exploratory Fishery Data Collection form
10. Adoption of the report
11. Adjournment

Annex 3. Presentation by EU



Study Project on the Bottom Vulnerable Marine Ecosystems in the NAFO Regulatory Area

Introduction

The project :

Spain announced at the last NAFO September meeting its intention to begin next summer 2009 a study aimed to mapping the potential VME's which may exist in the NRA at depths shallower than 2000 m.

The Spanish "Secretaria General del Mar" will use for that survey its R / V Miguel Oliver.

Participants:

Scientists from institutions from NAFO contracting parties (Canada USA and EU; UK and Spain).

Tentative schedule

- November – December 2008: Creating Steering Committee
- January – June 2009: Project planning
- June – September 2009: (3 cruises >700 m)
- June – September 2010: (3 cruises < 700 m)

Results

- 2010: Preliminary results (1st year)
- 2011: Final report

Research Vessel (2007)



Name	:	Miguel Oliver
Overall length	:	70,00 m
PW450	:	14,40 m
Foreboard deck pillar	:	2,50 m
Drive engine	:	33000 kW
Hold capacity	:	60 m ³
Maximum	:	102 t
Max hold depth	:	50 m
Range	:	54 days
Speed	:	14 knots
Crew (scientific+saltd)	:	25 persons
Tow power	:	25 100 kVA

Scientific equipment

- TOPAS PS-02 echosound probe for seabottom profiling.
- EM 900 12° 12° multi-beam probe
- DS 100 (15, 40 and 100 kHz) graphic navigational probe
- Short and long range hydrographic sensor EA-600.
- DS 60 support probe for the echo integrator.
- Vertical sensor-Doppler Profiler, ADCP RD1 150 kHz
- Scientific probe EK 60.
- Sagging, rolling and pitching control system.
- Frequency synchronization unit SSU.
- Stratigraphical data recording system.
- GPS real-time dynamic positioning system
- ANDERAA weather station
- Cinet electronic cartography system
- Control Gear Quantity Control.
- SINEMA network data ITI Simrad.
- Doppler DL 550.
- Automatic identification card automatic AIS 100
- Data recorder VDR.

Main objectives

- Mapping potential VME's which may occur in the NRA at depths less than 2000 m.
- To study the distribution of fishing effort in the NRA
- Propose the closure sensitive areas to bottom fisheries

Data sources

- Geomorphology
- Benthic ecology
- Fisheries (Footprint)

Geomorphology

Methodology

- Multibeam echo sounder.
- Sub-bottom profilers.
- Benthic grabs

Scope

- Identify the main geomorphologic features, as coldwater corals, sea mounts, seep and vent, etc.
- Mapping

Benthic ecology

Methodology

- Benthic grabs
- Underwater photography
- ROV's, etc

Scope

- Define benthic communities.
- Relate it with different kind of bottoms found

Fisheries

Methodology

- Commercial fishery information.
- On board observers.
- VMS analysis.

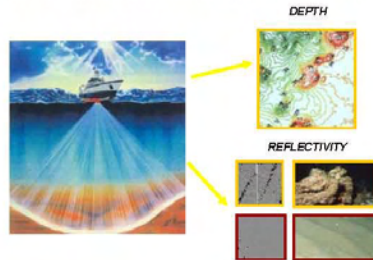
Scope

- Footprint of the fishery
- Seasonality
- Interactions between fishery and VME's.

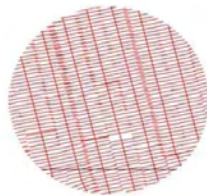
Study Area

NAFO Regulatory Area in Divisions 3L, 3M, 3N and 3O at depths shallower than 2 000 m.

MULTI BEAM ECOSOUNDER EM 300



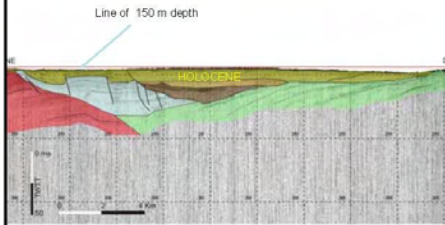
Geophysical Data Collected



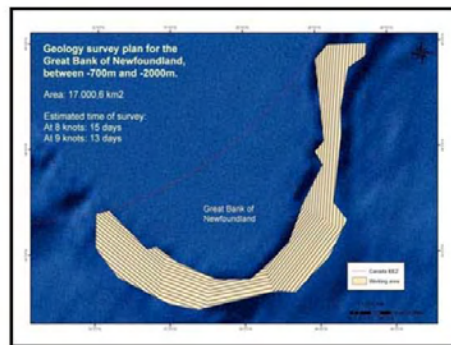
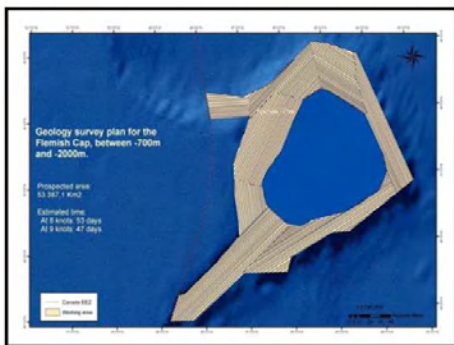
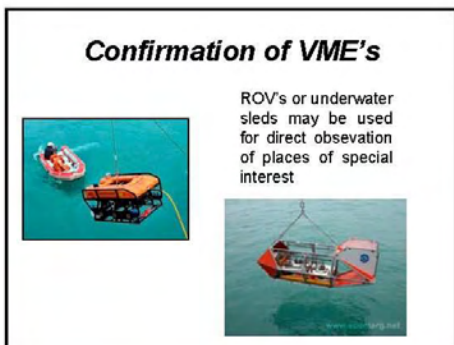
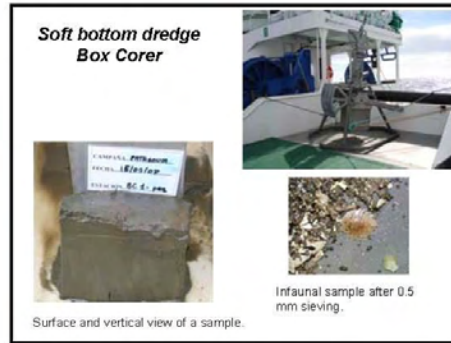
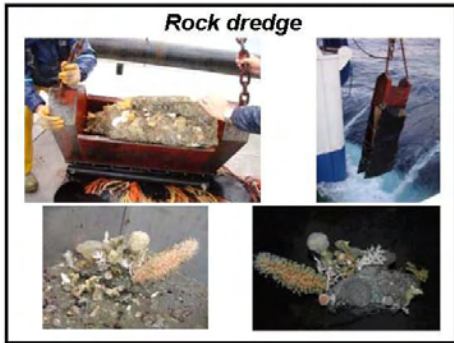
The transects carried out with the multibeam echosounder will cover the entire study area.

These transects overlaps 25%

High resolution seismic: TOPAS PS- 018



TOPAS give you the stratification below the seabed up to more than 100 m deep


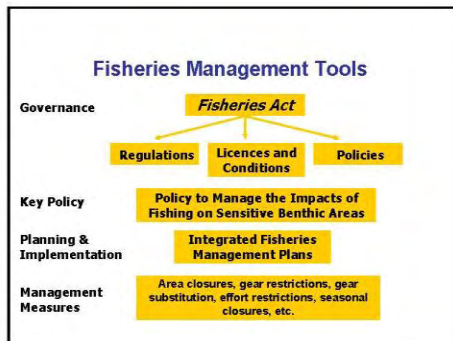
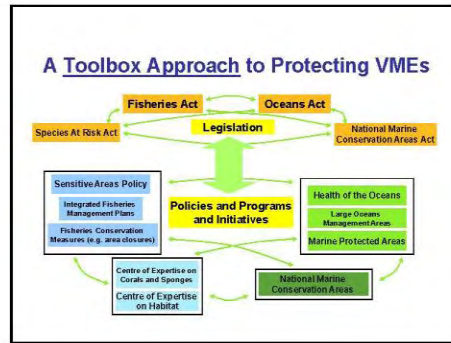


Annex 4. Presentation by Canada

Canada's Actions to Protect Vulnerable Marine Ecosystems

NAFO Working Group of Fisheries Managers and Scientists on VMEs

Vigo Spain
March 19-20, 2009

Policy to Manage the Impacts of Fishing on Sensitive Benthic Areas

- Purpose of the Policy:
 - To help manage fisheries to mitigate impacts of fishing on sensitive benthic areas or avoid impacts of fishing that are likely to cause serious or irreversible harm to sensitive marine habitat, communities and species
 - To help meet the requirements of the UN Resolution 61/105, and the FAO Technical Guidelines on Deep Sea Fisheries
- Applies to:
 - All vessels licenced to fish under Canada's Fisheries Act
 - All fishing gear
 - Commercial, aboriginal and recreational fishing
 - Areas determined to be ecologically and biologically significant (EBBAs) and sensitive to fishing
 - Priority Areas defined by the FAO Deep Sea Fisheries Guidelines, e.g. corals and sponges, seamounts, hydrothermal vents, etc.
- Draft Developed in 07/08
- Consultations with Various Stakeholder Groups throughout 2008
- Policy Completed in February 2009

Policy to Manage the Impacts of Fishing on Sensitive Benthic Areas

- General steps outlined in the Policy:
 1. Assemble and map existing data and information that would help determine the extent and location of benthic habitat types, features, communities and species, including whether the benthic features (communities, species and habitat) situated in areas where fishing activities are occurring or being proposed are important from an ecological and biological perspective;
 2. Assemble and map existing information and data on the fishing activity;
 3. Based on all available information, and using the Ecological Risk Analysis Framework, assess the risk that the activity is likely to cause harm to the benthic habitat, communities and species, and particularly if such harm is likely to be serious or irreversible;
 4. Determine whether management measures are needed, and implement such management measures, and;
 5. Monitor and evaluate the effectiveness of the management measure and determine whether changes are required to the management measures following this evaluation.

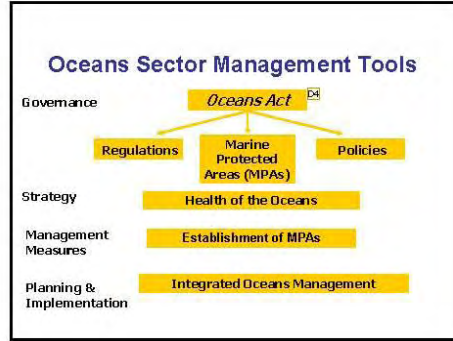
Policy to Manage the Impacts of Fishing on Sensitive Benthic Areas

- Key Elements to the Policy:
 1. Requirement for the mapping and delineation of historical fishing footprints
 2. Separate processes for frontier, historically fished areas and areas where there is a history of fishing but no history of bottom contact fishing
 3. Preliminary evaluation of historically fished areas that have not been fished by bottom contact gear to identify and map general areas of high, medium or low risk based on availability of data, information and knowledge of the benthic features and characteristics of that area
 4. Ongoing requirements for ecological risk analysis of fisheries in historically fished areas and for proposed fisheries in frontier areas
 5. Ecological risk analysis of impact of fishing on corals and sponges to be completed this year to establish minimum standards following research to take place this summer



Fisheries Management Measures: Examples

- East Coast
 - 30 Coral Closure: Effective January 1, 2009 in NAFO Division 3O, limits the depth range in any 10-hectare fishing gear area to depths of 100m or less, in conjunction with the 200m to 300m closure created by collecting the cod-end in 100m depth. This closure is also limited to, other than, longline and gillnet gear. This area is closed to trawling and dredging.
 - Northeast Channel Coral Conservation Area: 24,000 km² in NAFO Division 3L. This area is closed to West Coast trawling in NAFO Area 3L, with the exception of bottom trawling and bottom otter trawling. The closed area is 40 km from the shoreline and is protected by the area.
 - Loganville Coral Conservation Area: 10,000 km² in NAFO Division 3L. This area is closed to the coast of the Loganville Peninsula in NAFO Division 3L, with the exception of the shore fishery. The closure is to allow the Loganville Peninsula to remain open to the coast to allow the shore fishery to remain open.
- West Coast
 - Western Strait of Juan de Fuca Sound Sponge Reef Closures: 101,000 km² in NAFO Division 3L. This closure is to protect the sponge reef ecosystem. These closures are in effect for the 2010/2011 season.
- Arctic
 - Southern Bering Sea Closure: 100 km² in NAFO Division 3L. This closure is to protect the Bering Sea fishery and the Bering Sea ecosystem. This closure is to protect the Bering Sea fishery and the Bering Sea ecosystem. This closure is to protect the Bering Sea fishery and the Bering Sea ecosystem.
- Industry Voluntary Initiatives
 - In 2008, Canada's oil and gas industry voluntarily agreed to limit its production of heavy oil and tar sands to the deep water of the Gulf of Mexico. This agreement was also made by other major oil and gas producers in the Gulf of Mexico. This agreement was also made by other major oil and gas producers in the Gulf of Mexico.




Oceans Sector Management Measures: Examples

Marine Protected Areas (MPAs)

MPAs are areas which have been reserved by (DFO) under the Oceans Act to protect and conserve:

- commercial and non-commercial fishery resources and their habitats;
- endangered marine species and their habitats;
- unique habitats;
- marine areas of high biodiversity or biological productivity; and
- any other marine resource or habitat necessary to fulfill the Minister's mandate.




Ecologically and Biologically Significant Areas (EBSAs)

EBSAs are areas significant from an ecosystem structure/function perspective. The EBSA Identification Framework uses five selected criteria to identify EBSAs:

- Uniqueness
- Aggregation
- Fitness consequences
- Resilience
- Naturalness

- Canada currently has 7 MPAs across the country and several "areas of interest"
- EBSAs have been identified across Canada and are considered an information base to support decision making

Similarities between VME and EBSA Criteria



<ol style="list-style-type: none"> 1. Uniqueness / rarity 2. Functional significance of habitat 3. Fragility 4. Life history attributes of species 5. Structural Complexity 	<ul style="list-style-type: none"> • Uniqueness (1) • Aggregation (2, 4, 5) • Fitness Consequence (2,4) • Resilience (3) • Naturalness
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Other Measures to Help Protect VMEs

- Centre of Expertise on Corals and Sponges
 - Centre of Expertise on Corals and Sponges is mandated to develop common tools and approaches that will enable DFO to meet international and national commitments. The CoE will support a coordinated approach from various DFO Sectors (FAM, Oceans, Science, etc).
- Regional Coral and Sponge Strategies
 - Some regions have plans to develop strategies that will outline conservation, management, and research objectives for coral and sponge conservation (i.e. Maritimes Coral Conservation Strategy 2002; NL Region Strategy by 2012; British Columbia Coral and Sponge Strategy under development)
- Science Sector Initiatives
 - Workshops on Monitoring of Long-term health of VMEs
 - Discussions on VME threshold levels and "significant concentrations"
 - Ongoing identification of EBSAs
 - International Governance Strategy (IGS): Science Projects in support of VME protection, e.g. analysis of corals and sponge species distributions and abundance in NAFO NRA, Benthic Surveys, etc.
- Development of Integrated Ocean Management Plans, e.g. for Placentia Bay/Grand Banks
 - Priority Conservation Objectives include ecosystem components such as corals, sponges

Summary of Measures

- Fisheries Management Measures:
 - New Policy to Manage the Impacts of Fishing on Sensitive Benthic Areas
 - Expansion of Pacific Region Glass Sponge Reef Closures
 - Introduction of 30 and 0A Closures to Protect Corals
- Oceans Management Measures:
 - EBSA Identification Process
 - Establishment of MPAs and Areas of Interest
 - Integrated Oceans Management Plans
- Voluntary Measures by Industry:
 - 12,500 km² Voluntary Closure by Groundfish Enterprise Allocation Council and Canadian Association of Prawn Producers of the coast of Baffin Island
- Science Projects:
 - Ongoing EBSA Work
 - VME Research
 - IGS Project
- Special Initiatives:
 - Centers of Expertise on Corals and Sponges and on Habitat
 - DFO Regional Coral and Sponge Strategies

Annex 5. Identification of Bottom Fishing Areas (Footprint) (FCWGWP 09/2, Revised – presentation by Secretariat)

Introduction

In 2007, the United Nations General Assembly (UNGA, 2007. Res. 61/105, paragraph 83) requested RFMOs to regulate bottom fisheries that cause a significant adverse impact on vulnerable marine ecosystems. Guidelines on implementation drafted by FAO during 2007–2009 call for the mapping of existing bottom fisheries (FAO, 2009, section 5). NAFO FC drafted a new chapter for the NAFO Conservation and Enforcement Measures in 2008 (CEM, 2009, Chapter 1bis, Article 2bis) that calls for the submission of maps identifying bottom fishing activity in the NRA for 1987–2007 with trawl activity given priority. The Secretariat compiled these maps and presented the information to FC and SC during the September 2008 Annual Meeting in Vigo, Spain (FC WP 08/25, 08/25 Addendum, 08/25 Addendum 2). The Secretariat highlighted, during its presentation to FC, that the composite map produced was difficult to interpret owing to the incompatibility of the submitted data. SC reviewed the submitted maps and noted that some anomalous bottom fishing locations were likely due to errors in the data, and that areas beyond 2000 m were already considered “new bottom fishing areas” (NAFO, 2009, CEM Chapter 1bis, Article 1bis, paragraph 4). Additionally, SC further considered that separate footprints for bottom trawling and other kinds of bottom contact gears would add value (FC WP 08/36). FC requested CPs to submit or re-submit their respective footprint data in consideration of the above comments (FC Doc. 08/22, paragraph 13) and the Secretariat produced guideline specifications (FC WP 08/33).

Submissions

The Secretariat has received information on bottom fishing activity from eleven Flag States. Seven maps (Estonia, Faroe Islands, Greenland, Iceland, Portugal, Russia, and Spain) were reviewed at the Annual Meeting in Vigo. Four new submissions are included in this document (Canada, Germany, Japan, and Norway). Iceland has also re-submitted data since the Annual Meeting in Vigo. Germany’s footprint did not contain bottom fishing in the NRA during the 1987–2007 period. A summary of Flag State submissions is given in Table 1. All the original maps submitted by Flag States are presented in Part 1 of this document and re-plots undertaken by the Secretariat using the Ocean Data View software (Schlitzer, 2009) are presented in Part 2. NAFO VMS data filtered by speed (2.0–4.0 kn), for the period 2003–2007, is presented in Part 3 along with an overlay of the delineated candidate VME locations as provided by SC in October 2008 (SCS Doc. 08/26).

Part 1

This section displays the original submissions of the bottom fishing activity maps as provided to the Secretariat by Flag States. Owing to the varied nature of these plots, no attempt has been made here to provide a composite plot (as provided earlier in the first figure of FC WP 08/25). The reason for this is that it really is not possible to provide a meaningful composite when such different methods have been used to prepare the maps. (A composite map of bottom trawling activity has been produced in Part 3 from the VMS database held in the Secretariat that provides the best compatible information.).

The maps in Figure 1a-g were sent to the Secretariat as map images plotted by Flag States. Figure 2 was sent as coordinates delimiting bottom fishing activity polygons in a text file and the map was produced by the Secretariat.

Part 2

Eight Flag States submitted point coordinate data along with their bottom fishing activity maps (see Part 1). This point data was plotted in a consistent manner on maps that also include 1000, 1500 and 2000 m contour lines (Figure 3a-h). This makes for relatively easy comparison of the bottom fishing activities. The data come from a mixture of log books, observer data and VMS analyses, and so some care needs to be taken in their interpretation. In general, a use of a wider speed range to determine trawling from VMS data will result in a slightly larger footprint as it is likely to include information that is not actual trawling (see further discussion in Part 3). No point data was provided by Germany, Spain, Russia, and so these Flag States are not included in Figure 3.

Part 3

Contracting Parties transmit position data every two hours for all commercial fishing vessels targeting fish, other than the large pelagics, to the Secretariat via VMS. Speed is calculated by triangulation and the location and amount of bottom trawling can be estimated. In general, bottom trawls operate at speeds of 2.0 to 4.0 knots, with pelagic

trawls operating at slightly higher speeds (WGDEC, 2008, Anon, 2009a, b). This restrictive speed range may slightly under-estimate effort, but will provide the most accurate geographical locations of bottom trawling activity. In addition, it provides the only good information for the plotting of a composite map covering the years 2003-2007 when VMS data is available (Figure 4). This method will not provide any information on the use and distribution of static gears such as long lines and gillnets. In order to estimate the impact of bottom fishing on the candidate VME areas, and to be consistent with the FAO Deep Sea Guidelines (4.1.ii) “identify areas or features where VMEs are known or likely to occur, and the location of fisheries in relation to these areas and features”, an overlay of the VMEs is also included on Figure 4.

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- Anon, 2009a. New Jersey Fishing: Otter Trawling. <http://www.fishingnj.org/techott.htm>
- Anon, 2009b. Absolute Astronomy: Trawling. <http://www.absoluteastronomy.com/topics/Trawling>
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- FC Doc. 08/22. Report of the Fisheries Commission 30th Annual Meeting, 22 - 26 September 2008, Vigo, Spain. NAFO. 86 pp. <http://archive.nafo.int/protect/fc/2008/fcdoc08-22.pdf>
- FC Working Paper 08/25. Identification of existing bottom fishing areas (footprint). 12 pp. <http://archive.nafo.int/protect/fc/2008/fcwp08-25.pdf>
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- FC Working Paper 08/25 (Addendum 2). Identification of existing bottom fishing areas (footprint). 5 pp. <http://archive.nafo.int/protect/fc/2008/fcwp08-25add2.pdf>
- FC Working Paper 08/33. Data Requirements for Footprint Submission. 1 p. <http://archive.nafo.int/protect/fc/2008/fcwp08-33.pdf>
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- WGDEC, 2008. ICES. 2008. Report of the ICES-NAFO Joint Working Group on Deep Water Ecology (WGDEC), 10–14 March 2008, Copenhagen, Denmark. ICES CM 2008/ACOM:45. 126 pp. http://www.ices.dk/reports/ACOM/2008/WGDEC/WGDEC_2008.pdf

Table 1. Summary of Flag State submissions on bottom fishing activities in the NRA for the period 1987-2007.

Flag State	Submission Information			Data Supplied				Reviewed
	Date	Data format	Maps / activity	Years	Lat/Lon ¹	Date/time	Speed	
Canada	18 Sep 08	point data	5 nm ²	1987-2007	dec	year	-	
Estonia	12 Sep 08	haul data	point data	1996-2007	dec	year	-	Vigo '08
Faroe Is.	16 Sep 08	haul data	track	2003-2007	dec	year	-	Vigo '08
Germany	3 Mar 09	-	track	2001-2007	-	-	-	
Greenland	10 Sep 08	haul data	-	1993-2008	deg	year	-	Vigo '08
Iceland	19 (23) Sep 08	point data	5 × 10nm	1993-2006	dec	-	-	Vigo '08 ²
Japan	24 Nov 08	point data	-	2001-2007	dec	date/time	0-7 kn	
Norway	30 Dec 08	point data	-	2000-2007	dec	year/month	1-5 kn	
Portugal	12 Sep 08	point data	-	1997-2007	deg	date/time	0-7 kn	Vigo '08
Russia	2 Sep 08	-	polygon	1987-2007	-	-	-	Vigo '08
Spain	10 Sep 08	-	5 × 10 nm	2000-2007	-	-	-	Vigo '08

¹ dec: decimal degrees as DD.dddd; deg: DDMMdd

² Iceland re-submitted their information after the September Annual Meeting

- is not submitted or no information

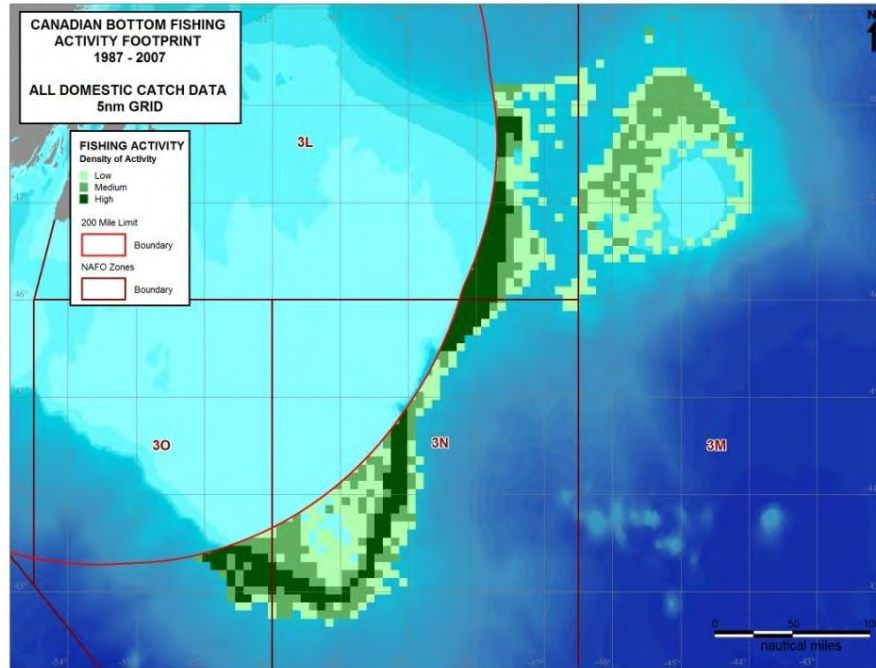


Figure 1a. Bottom fishing activity in the NRA for 1987-2007 for Canada (Map provided by Canada).

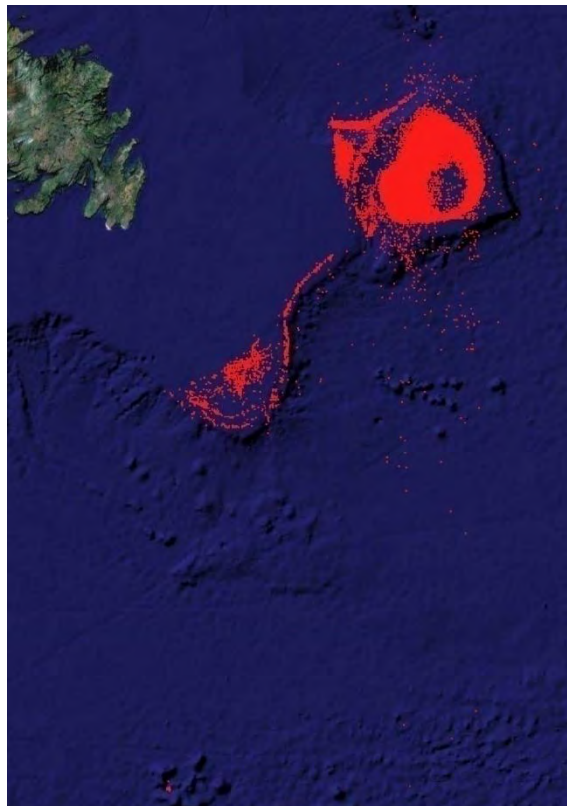


Figure 1b. Bottom fishing activity in the NRA for 1996-2007 for Estonia (Map provided by Estonia).

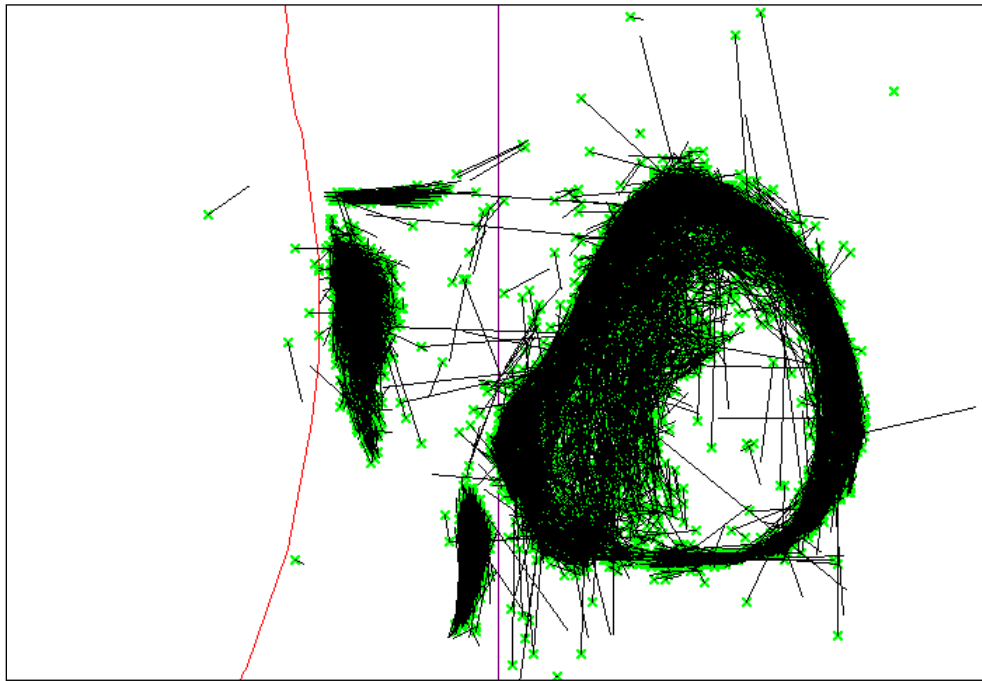


Figure 1c. Bottom fishing activity in the NRA for 2003-2007 for Faroe Islands (Map provided by Faroe Islands).

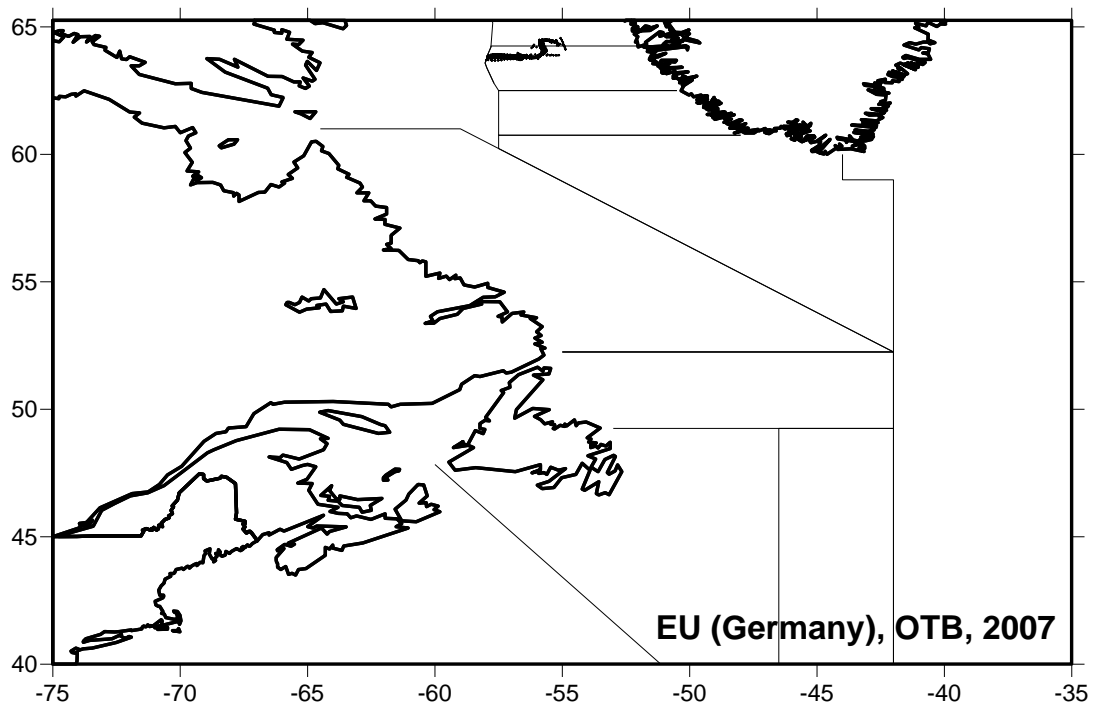


Figure 1d. Bottom trawling activity by otter trawls in the NAFO Convention Area for 2007 for Germany (Map provided by Germany). Germany submitted separate maps for each year for 2001 – 2007. In all cases, Germany only fished in NAFO Sub-Area 1D which is outside of the NRA. no bottom fishing occurred within the NRA.

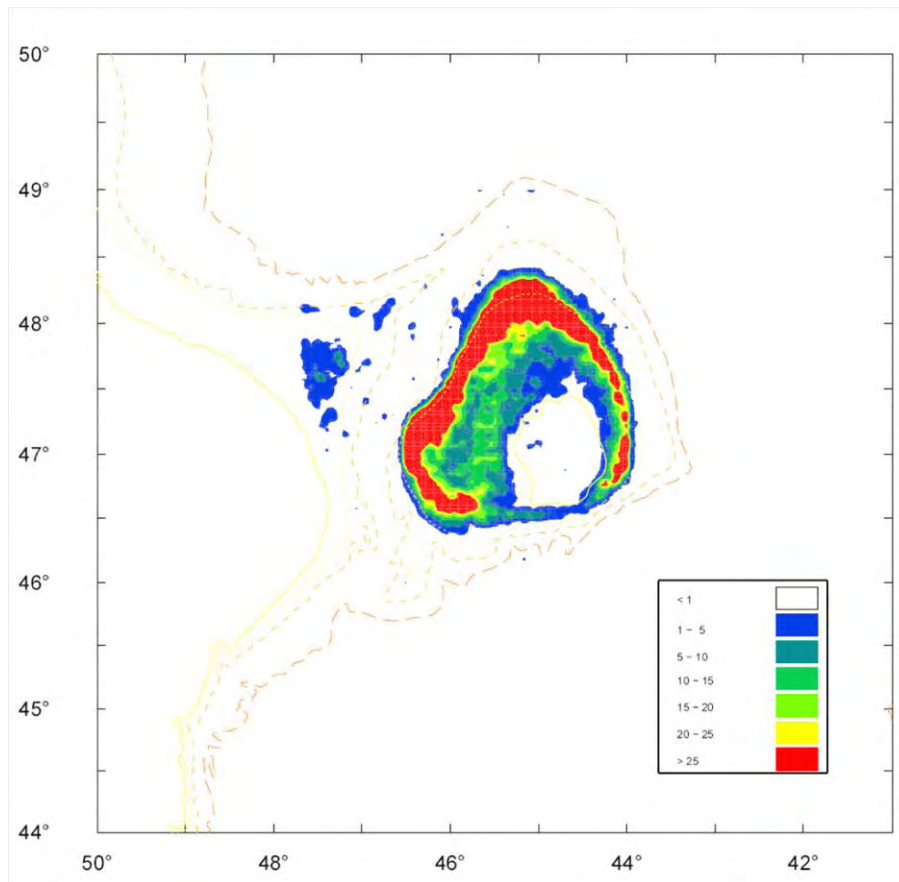


Figure 1e. Bottom fishing activity in the NRA for 1993-2006 for Iceland (Map provided by Iceland).

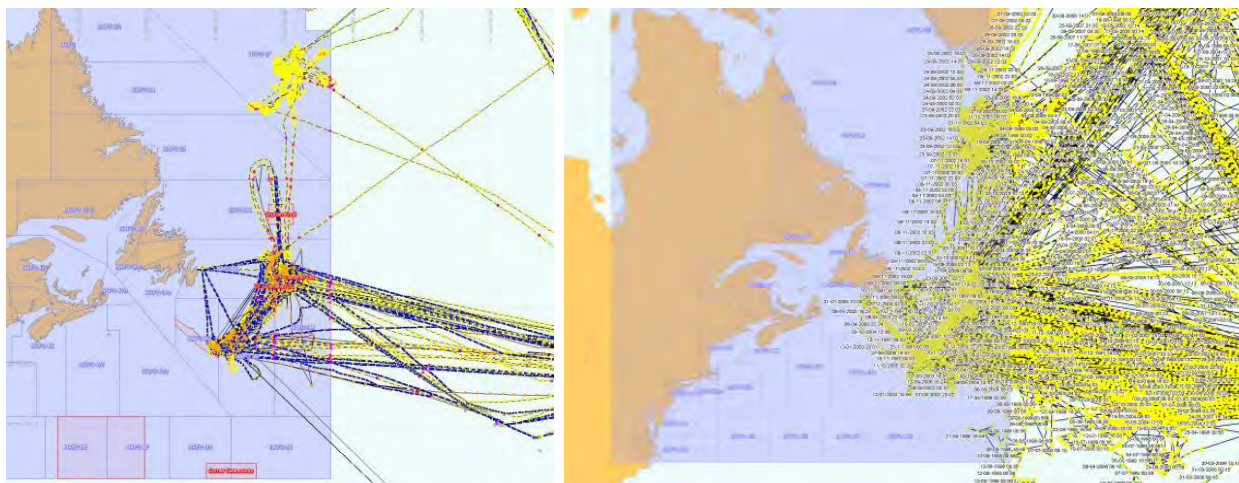


Figure 1f. Bottom fishing activity in the NRA for 1997-2007 for Portugal (Top) and an example for 2006 (Bottom) (Maps provided by Portugal). These maps includes both fishing and steaming.

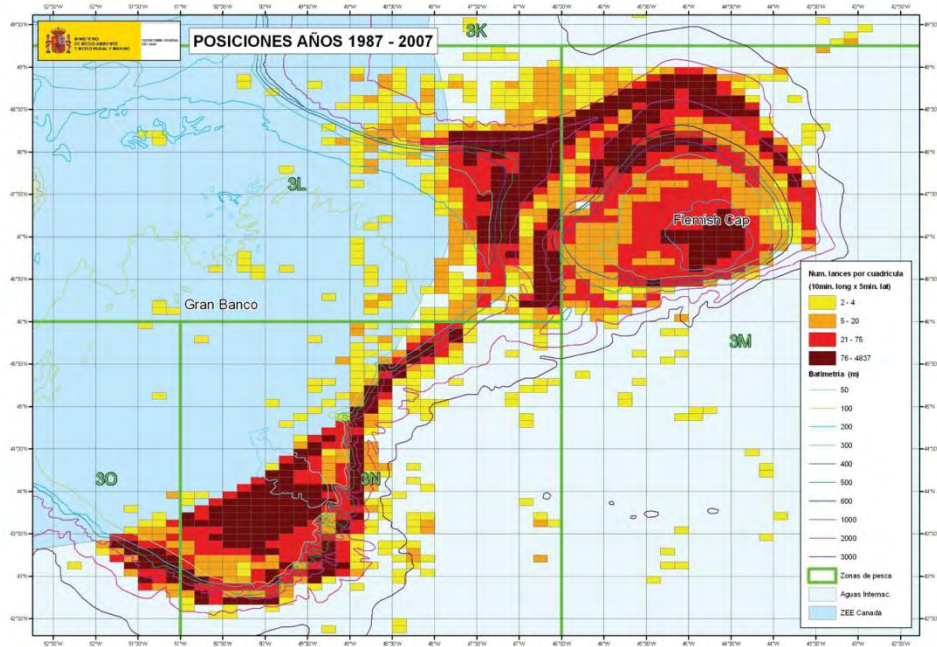


Figure 1g. Bottom fishing activity in the NRA for 1987-2007 for Spain (Map provided by Spain).

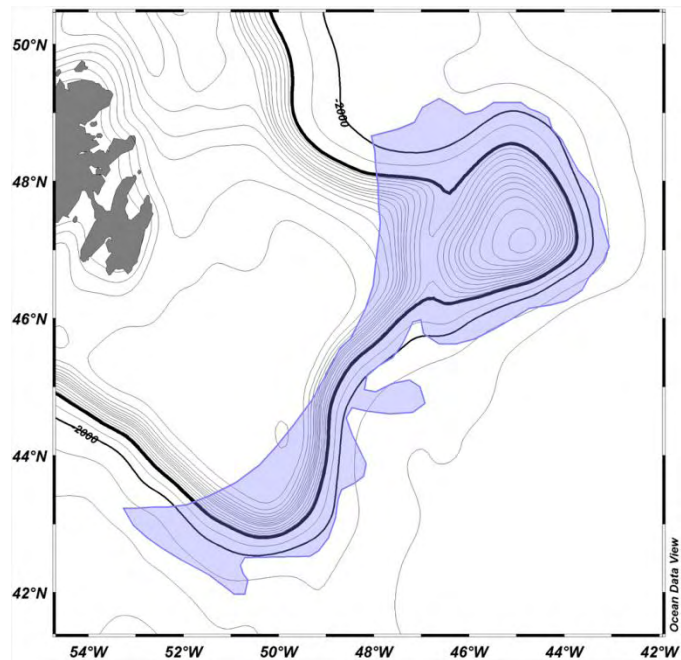


Figure 2. Bottom fishing activity in the NRA for 1987-2007 for Russia (Data provide by Russia and map plotted by Secretariat). Russia submitted the coordinates of polygons delimiting bottom fishing activity for each year from 1987-2007. The above map is a composite of all the separate annual maps and shows the cumulative areal bottom fishing activities.

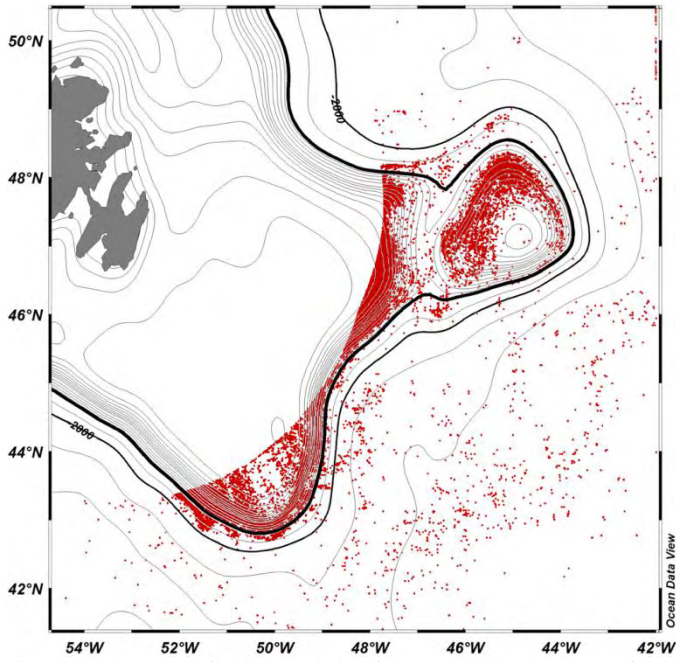


Figure 3a. Bottom fishing activity for Canada in the NRA for 1987-2007.

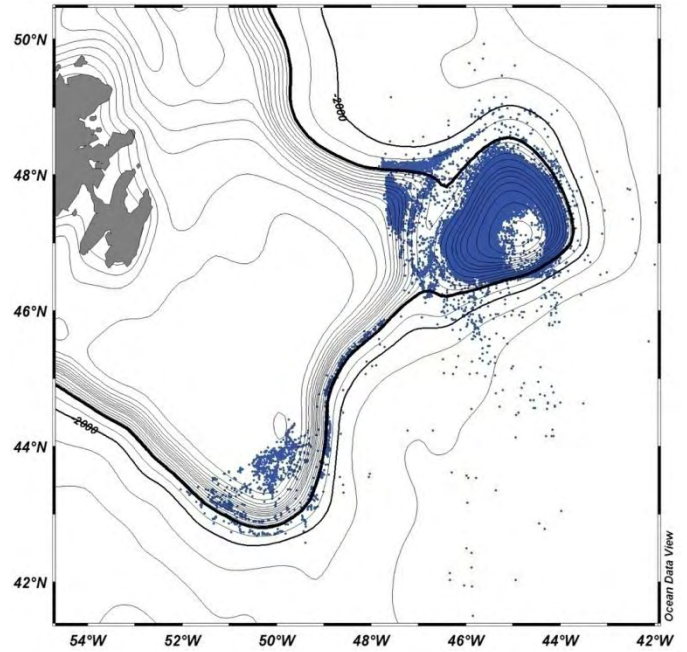


Figure 3b. Bottom fishing activity for Estonia in the NRA for 1996-2007.

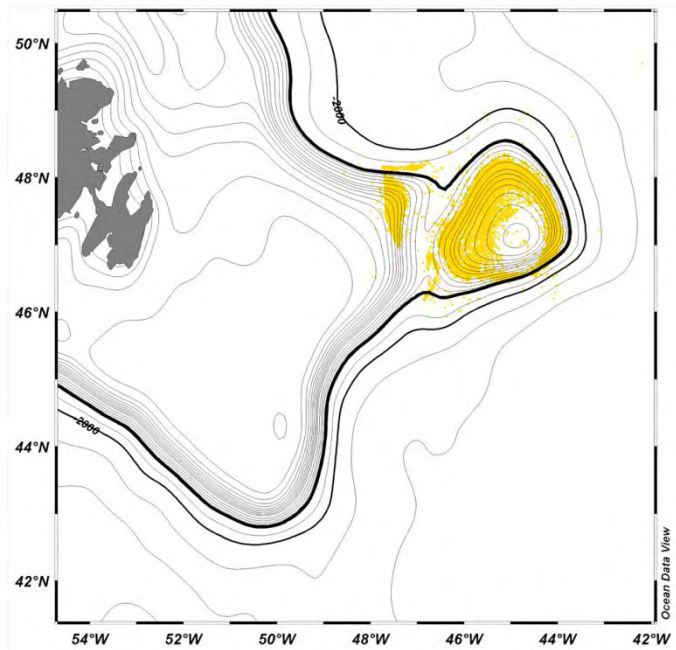


Figure 3c. Bottom fishing activity for Faroe Islands in the NRA for 2003-2007.

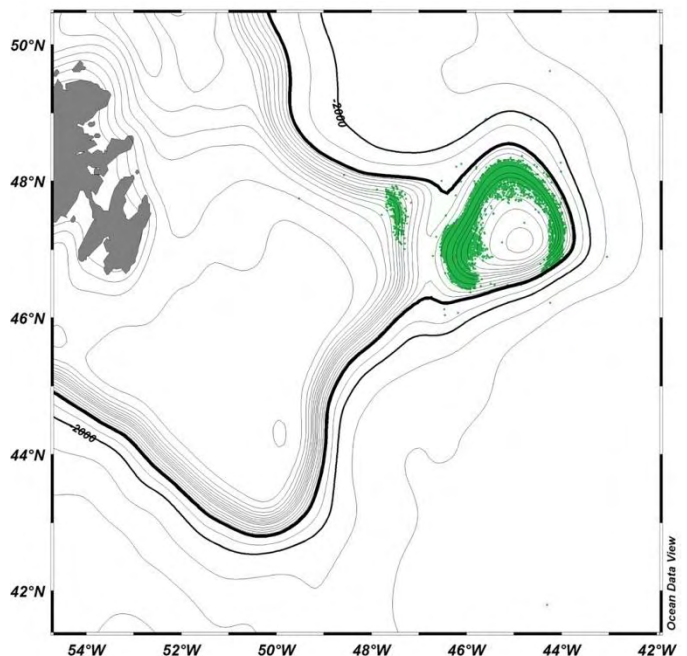


Figure 3d. Bottom fishing activity for Greenland in the NRA for 1993-2007.

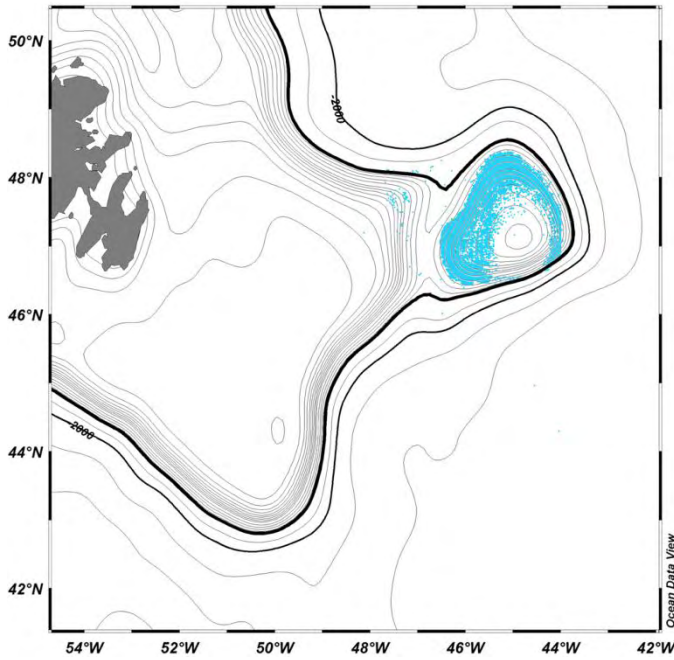


Figure 3e. Bottom fishing activity for Iceland in the NRA for 1993-2006.

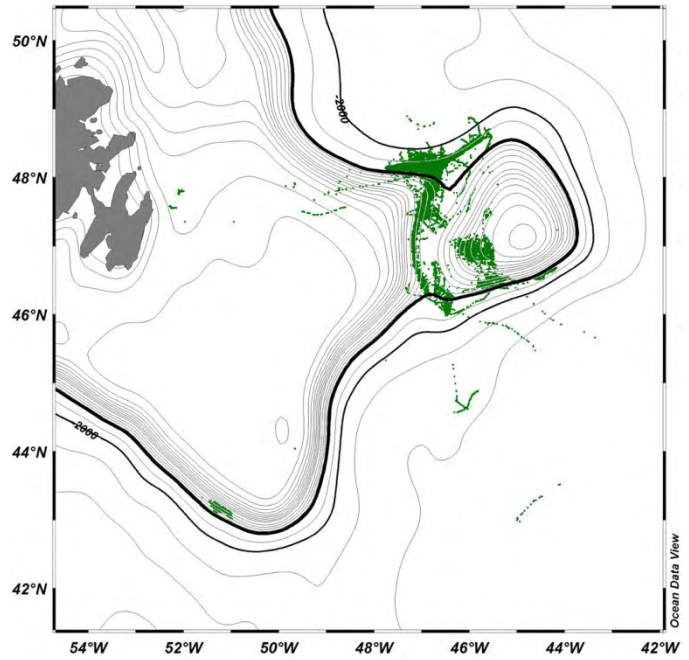


Figure 3f. Bottom fishing activity for Japan in the NRA for 2001-2007.

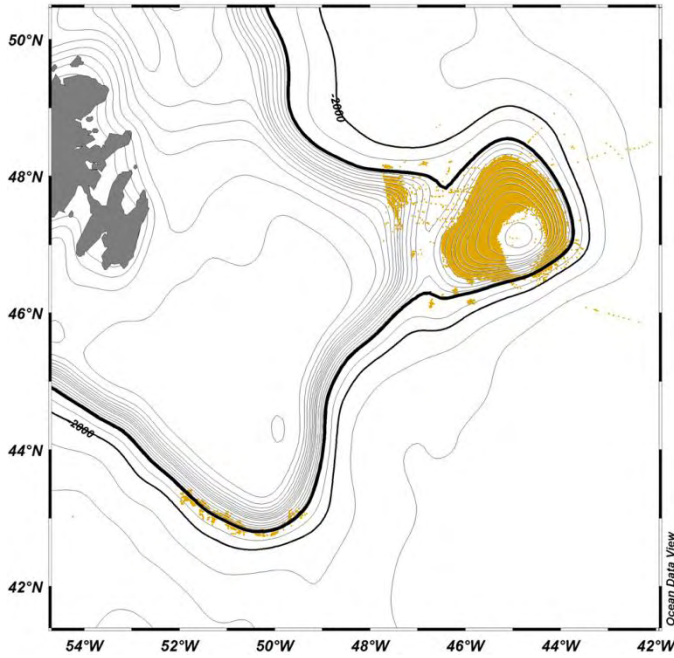


Figure 3g. Bottom fishing activity for Norway in the NRA for 2000-2007.

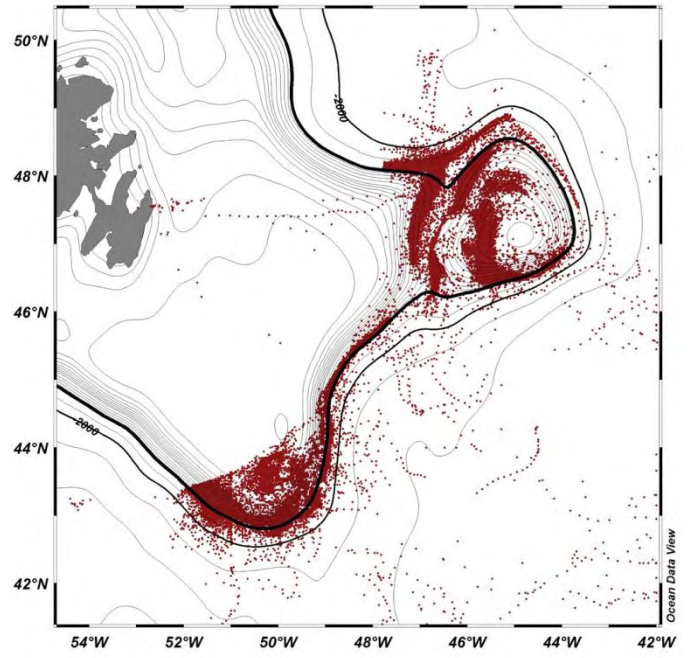


Figure 3h. Bottom fishing activity for Portugal in the NRA for 1997-2007.

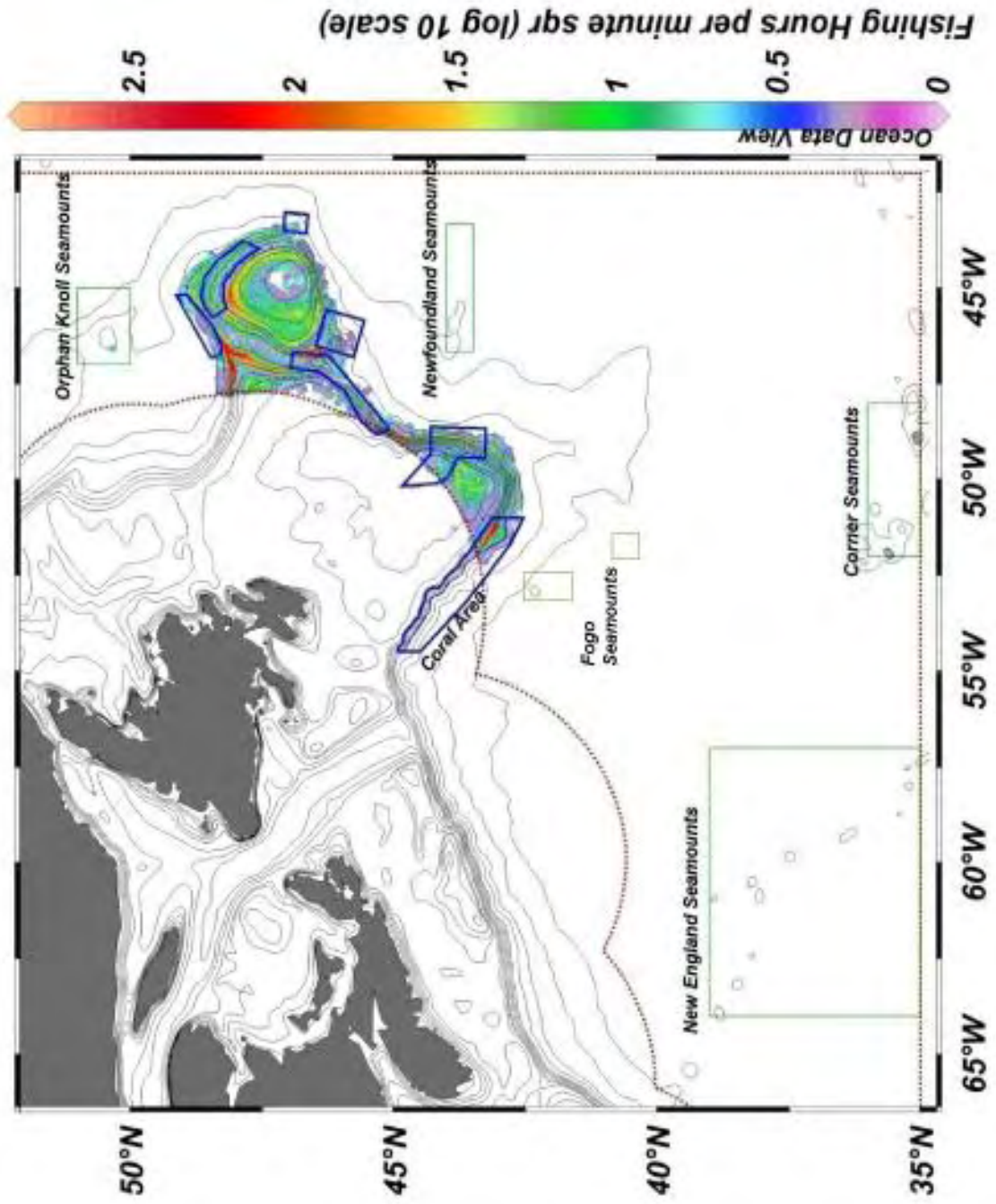


Figure 4a. Distributional map of the intensity of bottom trawl effort by commercial fishing vessels for 2003–2007 in the NRA with an overlay of the candidate VME areas.

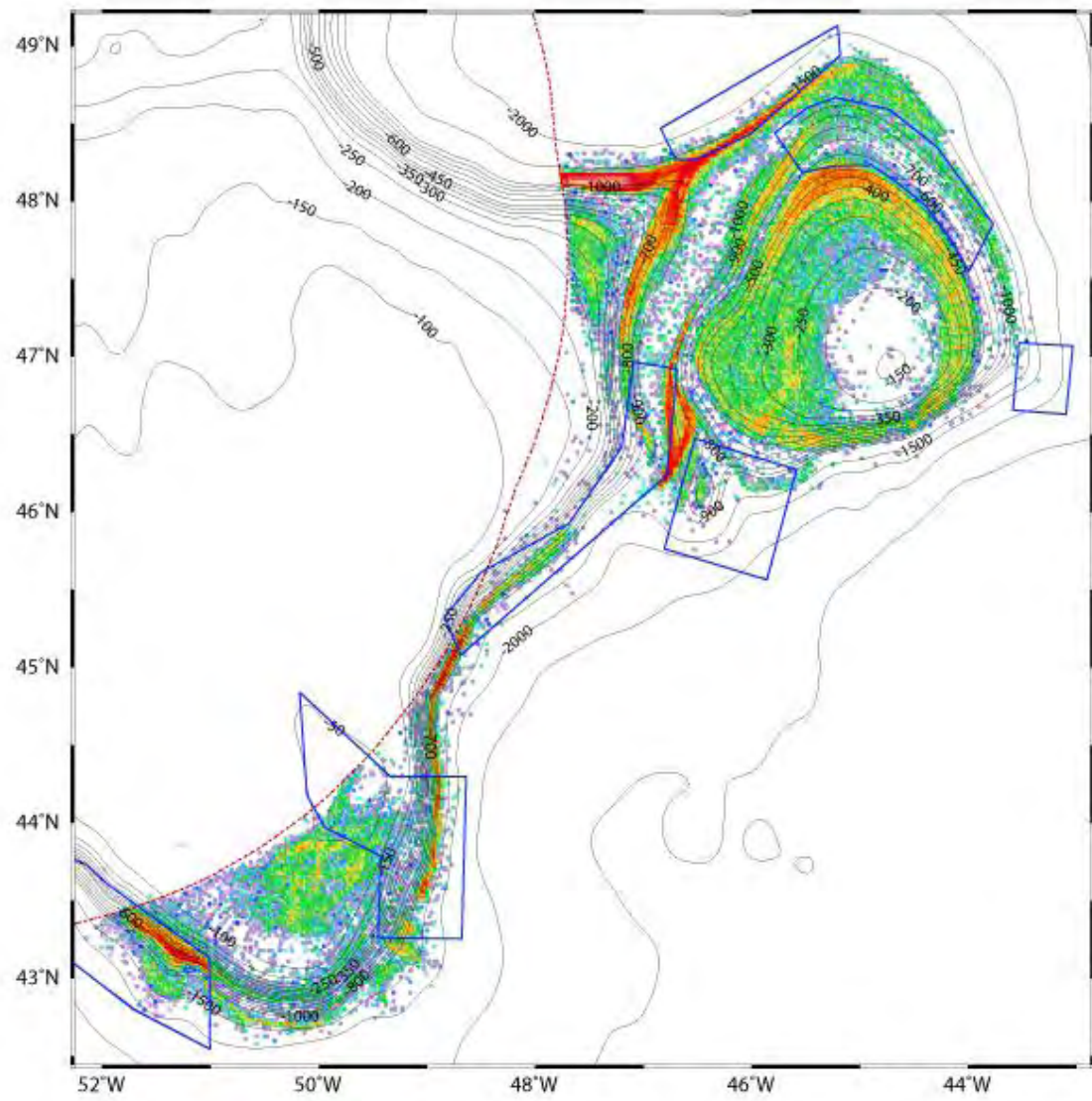


Figure 4b. Detail of Figure 4a.

**Annex 6. Recommendation to Fisheries Commission
(FCWGWP 09/3, Revision 2)**

Interim Measures to Protect Significant Coral Concentrations

Background

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems. UNGA will review the actions of States and RFMO in this respect in the fall of 2009.

Mindful of the work of the FAO in facilitating the development of international guidelines for the management of deep-sea fisheries operating in the high seas that serve to guide the identification of VMEs

Noting the commitment of NAFO Contracting Parties to implement an ecosystem approach and implement measures following the precautionary approach to address the impacts of fishing on VMEs

Recognizing the significant steps already taken by NAFO to protect Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NRA) including inter alia:

- the closure of four seamounts to commercial fishing (2006)
- the establishment of a 30 Coral Protection Zone (2007)
- the closure of the Fogo Seamounts (2008)
- the adoption of a comprehensive framework for the implementation of UNGA Resolution 61/105 including provisions for the identification of existing bottom fishing areas (footprint), assessment of bottom fishing, Exploratory Fishery Protocol for new fishing areas and the interim Encounter provisions for VMEs in both fished and unfished areas of the NRA (2008)

Further recognizing the numerous international scientific research efforts that are designed to enhance knowledge in the area of VMEs, in particular with respect to addressing knowledge gaps on benthic habitat, communities and species in the NAFO Regulatory Area, especially the upcoming Spanish survey in 2009 and the Canadian survey in 2010

Conscious of the 2008 Intersessional Fisheries Commission Meeting which established a process to determine the boundary for existing fisheries and non-fished areas, and the 2008 NAFO Annual Meeting Fisheries Commission request to Scientific Council to more precisely identify significant concentrations of corals at its October 2008 meeting and significant concentrations of sponge at its June 2009 meeting

Recognizing the SC response which identified remaining concentrations of corals in its October 2008 report It is proposed that, as part of a continuing commitment to implement the UNGA Resolution, the Working Group of Fisheries Managers and Scientists recommends to the Fisheries Commission for adoption in September 2009:

1. Establishment of additional coral protection zones in Divisions 3L and 3M:

Insert new Article 16 (2) of NCEM:

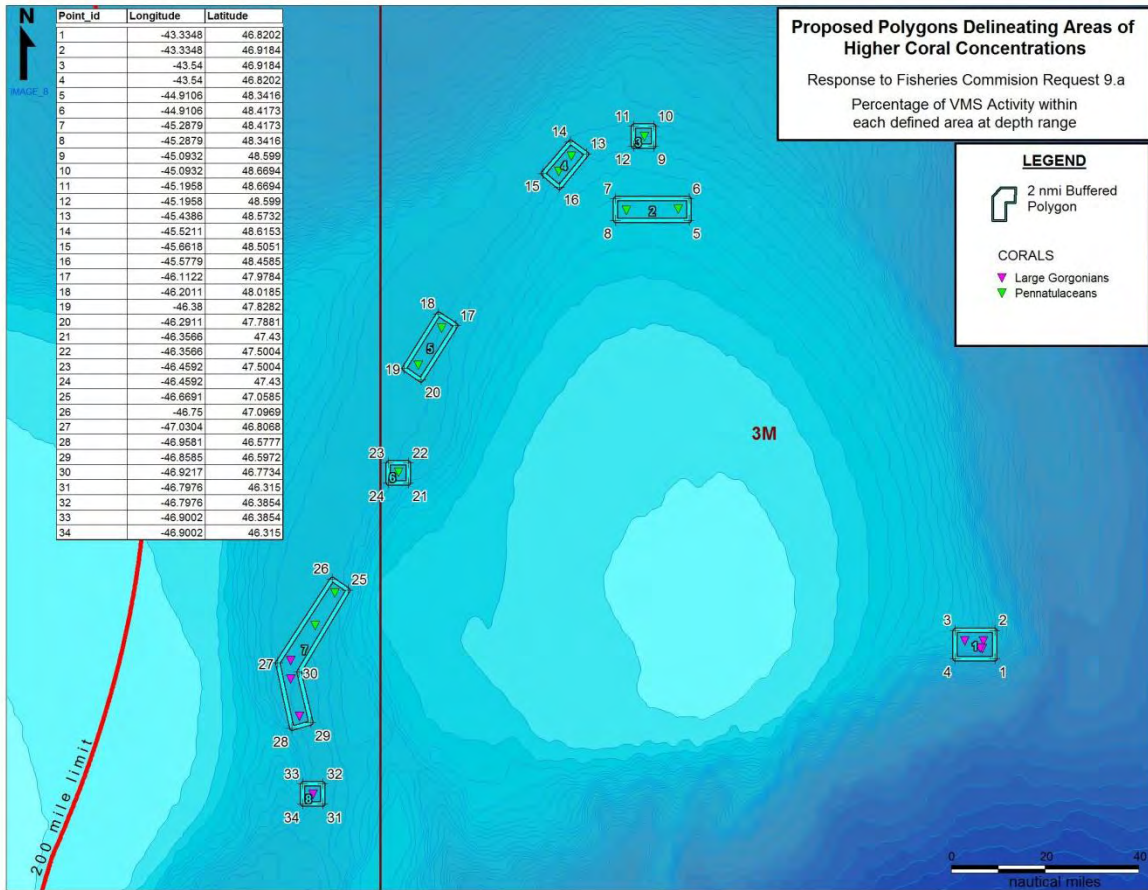
2. As of January 1, 2010 the following areas shall be closed on an interim basis to all bottom fishing activities until **December 31, 2011**. The closed areas are defined by connecting the following coordinates (in numerical order and back to coordinate 1).

Revoke current Article 16 (2) as this work has been completed.

Amendment to Article 16 (3)

3. The measures referred to in **Article 16(1)** shall be reviewed in 2012 by the Fisheries Commission taking account the advice from the Scientific Council and the Working Group of Fisheries Managers and Scientists, and a decision shall be taken on future management measures.

Area	Sub-Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Eastern Flemish Cap	1	46°49'13"N 43°20'05"W	46°55'06"N 43°20'05"W	46°55'06"N 43°32'24"W	46°49'13"N 43°32'24"W
Northern Flemish Cap	1	48°20'30"N 44°54'38"W	48°25'02"N 44°54'38"W	48°25'02"N 45°17'16"W	48°20'30"N 45°17'16"W
Northern Flemish Cap	2	48°35'56"N 45°05'36"W	48°40'10"N 45°05'36"W	48°40'10"N 45°11'45"W	48°35'56"N 45°11'45"W
Northern Flemish Cap	3	48°34'24"N 45°26'19"W	48°36'55"N 45°31'16"W	48°30'18"N 45°39'42"W	48°27'31"N 45°34'40"W
Northwest Flemish Cap	1	47°58'42"N 46°06'44"W	48°01'07"N 46°12'04"W	47°49'42"N 46°22'48"W	47°47'17"N 46°17'28"W
Northwest Flemish Cap	2	47°25'48"N 46°21'24"W	47°30'01"N 46°21'24"W	47°30'01"N 46°27'33"W	47°25'48"N 46°27'33"W
Southwest Flemish Pass	1	47°03'31"N 46°40'09"W	47°05'49"N 46°45'00"W	46°48'24"N 47°01'49"W	46°34'40"N 46°57'29"W
		Coordinate 5	46°35'50"N 46°51'31"W	Coordinate 6	46°46'24"N 46°55'18"W
Southwest Flemish Pass	2	46°18'54"N 46°47'51"W	46°23'07"N 46°47'51"W	46°23'07"N 46°54'01"W	46°18'54"N 46°54'01"W



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5-7 May 2009
Saint Pierre, St. Pierre et Miquelon**

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Report of the Standing Committee on International Control (STACTIC)

(FC Doc. 09/3)

5-7 May 2009

Saint Pierre, St. Pierre et Miquelon

1. Opening by the Chair, Mads Nedergaard (Denmark in respect of the Faroe Islands and Greenland)

The Chair opened the meeting at 10:00 am at the Chamber of Commerce facility, Saint Pierre et Miquelon and welcomed representatives of Canada, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre-et-Miquelon), 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

Brent Napier (Canada) was appointed rapporteur.

3. Adoption of Agenda

The Chair introduced the agenda and opened the floor to comments.

The Representative of the EU proposed the inclusion of an agenda item on issues related to by-catch. The Representative of the United States indicated that he would also like to add an agenda item concerning the transfer of fishing possibilities, pursuant to Article 11 from quota shared by other Contracting Parties such as quota for subarea 2 and Division 1F+3K redfish. The Chair indicated that both items would be added under agenda item 13, Other matters.

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

4. Compilation of fisheries report for compliance review (2004-2008), including review of Apparent Infringements

The Chair introduced the agenda item and asked the NAFO Secretariat to make a presentation on the compilation of fisheries reports and the 2008 annual compliance review process.

The NAFO Secretariat provided a presentation entitled *NAFO 2008 Fisheries Profile and Trends* (Annex 3) that provided a brief background detailing the methodology utilized in the compilation of fisheries reports. This background was followed by an explanation of the graphical representations of key trends, derived from data found in the 2004-2008 compilation of fisheries reports. The NAFO Secretariat provided each Representative with Contracting Party specific vessel tables. This was done to allow for final editing and inclusion of missing data prior to the final dissemination of the compilation tables on or before June 22, 2009, the deadline for the dispatch of the draft provisional Fisheries Commission agenda (Rule 5.1 of the FC Rules of Procedure). The NAFO Secretariat concluded by offering to work with the STACTIC Representatives to further expand the compliance report to include other compliance indicators for such newly adopted measures as the port state control scheme or Greenland halibut additional control measures (Article 8).

The Representative of the EU applauded the work done by the NAFO Secretariat, indicating that the reports had improved considerably and added that, once adopted by Fisheries Commission, elements related to Vulnerable Marine Ecosystem (VME) compliance should also be considered.

The Chair thanked the NAFO Secretariat for its work to date and directed it to continue working closely with the Compliance Report drafting group in preparation for the 2009 NAFO annual meeting.

5. Review and evaluation of NAFO Compliance objectives

The Chair opened the agenda item and requested that the Representative of the EU provides an introduction to the issue. The Representative of the EU reminded Representatives that this issue was raised some time ago and indicated that it was his hope to have a brainstorming session to review the NCEM as they had become, through continuing revisions and changes, incomprehensible and unclear. The Representative of the EU wanted this review to focus on how compliance efforts could be more strategic and efficient, in the context of reduced fishing effort and increased inspection costs.

The Representative of the EU opened the discussion by citing the Observer scheme as a good example of a measure that should be reviewed, given the cost and limited enforcement benefit in the age of electronic logbooks and other, cost effective, enforcement tools. He went on to note that port inspections could possibly employ a more strategic approach that would allow a lower volume of more intensive inspections. These intensive inspections could be complemented with a cross-checking process that would include a review of elements such as VMS, hauls and catch reports.

Regarding the current requirement to have a competent authority present when a Contracting Party has more than fifteen fishing vessels in the Regulatory Area (Article 29.7) the Representative of the EU stated that the EU's current inspection level is unsustainable and should be reviewed in context of fewer fishing vessels, better coordination/planning and new technologies. He added that part of this analysis could look at strategic versus continuous deployment.

The Representative of the EU concluded by indicating that emerging technologies, and/or better utilization of existing technologies, such as electronic logbooks and enhanced VMS usage need to be pursued with the view to a more effective, sustainable deployment with costs that are relative to the benefits. The Representative of Norway agreed in principle with this direction citing an international trend to improving enforcement efficiencies through the employment of technology.

The Representative of Canada thanked the Representative of the EU for raising this issue and acknowledged that evolution of the NAFO fishery warranted a review of the measures in place to enforce compliance. He went on to indicate that it was clear that years of amendments to address specific issues had left some parts of the NCEM difficult to interpret. He also acknowledged that economic concerns regarding fuel and other costs associated with enforcement continue to mount however noted that future fishing vessel effort was a function of markets/profit and therefore subject to change. Regarding Observers, while accepting some of the issues identified with the NAFO Observer Scheme, the Representative of Canada indicated that Canadian experiences with the domestic Observer program have seen a greater degree of effectiveness and suggested that, while the Observer concept was sound, the practical execution/implementation in NAFO had some obvious shortcomings. The Representative of Canada advised Representatives any discussion on the level of Observer coverage would need to take into account political considerations. He noted that Canada would continue to be a strong proponent of maintaining a dedicated enforcement presence to responsibly manage international fisheries. In conclusion, the Representative of Canada noted his willingness to participate in discussions related to examining how a more effective/strategic approach could be taken that would include exploring new technologies that could be exploited in the NAFO context to promote compliance.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) saw two distinct issues: the first was the need for a historical/editorial clean-up as proposed by the NAFO Secretariat under agenda item 9 (ii) and the second was a technical review of the measures in line with what the EU had proposed.

The Representative of France (in respect of Saint Pierre et Miquelon) agreed that the current NAFO Observer scheme had limited enforcement value and the use of VMS and electronic logbooks would be a better way to monitor activity.

The Representative of the United States thanked the EU for the provocative debate and echoed the sentiment that it would be desirable to improve/maintain compliance in a cost effective way but suggested "fixing" key elements instead of eliminating them as options all together. He noted that a reduction of Observer coverage was already

permitted under Article 61.4 in the context of adopting electronic reporting and effective enforcement should be balanced with cost effectiveness.

For the purposes of focusing the discussion, the Representative of Canada presented a discussion paper (STACTIC WP 09/8) (Annex 4) which identified possible discussion topics. The Chair welcomed the paper and the remainder of the discussion was structured under the following format:

(a) Electronic/Satellite/Remote Monitoring

The Chair indicated that betterments suggested in STACTIC WP 09/6 (Annex 5), such as 3L daily catch reports, would fall under this topic heading. The Representative of Canada agreed that the elements in this working paper were consistent with establishing a more cost effective compliance scheme and indicated that enhanced VMS reporting, that would call for more frequent reporting intervals (1hour instead of the current 2 hours) and the addition of course and speed, would be another avenue to pursue. The Representative of Norway supported this position and indicated that e-monitoring was an area where much could be gained with relatively little cost. The Representative of the EU noted that an increased VMS reporting interval was close at hand, especially in light of impending VME provisions, and that other enhancements, such as automatic warning in cases of non-transmitting vessels, could also be explored.

The Representative of Russia remarked that extra reporting was not required, considering VMS and NAFO patrols and was concerned about the potential workload issues associated with extra reporting obligations. The Chair responded by indicating that heavy message volume in NEAFC is managed under an automated electronic system that doesn't create demanding workload issues. Furthermore it was noted by the EU that the reporting obligations should be harmonized and based on a weekly reporting system instead of the current five day system for Greenland halibut. The Representative of the EU noted that electronic reporting tools, when utilized in combination in a cross checking capacity, were an important and cost effective approach to enforcement that could allow for reductions in more costly traditional enforcement methods. The Representative of Denmark (in respect of the Faroe Islands and Greenland) added that other electronic tools, such as AIS and electronic logbooks create other effective cross-checking tools.

The Chair also noted that some Contracting Parties were beginning to experiment with remote sensing technologies and, although the full range of capabilities are not well known, it is another avenue worth pursuing. The Representative of Canada indicated that Canada was testing satellite surveillance applications in both the Atlantic and Pacific, and while not currently employed in the NRA the employment in more remote areas, such as NAFO Division 1F, could be explored.

Denmark (in respect of the Faroe Islands and Greenland) agreed to redraft, in collaboration with Iceland, STACTIC WP 09/6 for the NAFO annual meeting to reflect the discussion on this issue.

(b) In-Port/Land based Monitoring

The Representative of Canada remarked that it would be desirable to have a more uniform NAFO approach to port inspections, possibly achieved through the creation of an inspection checklist, which would minimize interpretational issues and allow for better data comparisons. The Representative of the EU supported the checklist concept, however highlighted that it would need to be comprehensive to ensure it was not limiting. The Representative of the EU also suggested that perhaps a movement away from current port inspection levels could be obtained if a quality versus quantity approach was employed. This approach would entail the use of a "full" inspection process that would need to be defined but that would include a robust checklist of items, such as catch weighing provisions.

The Representative of the EU agreed to draft a port inspection checklist proposal and reflect on other related port inspection issues in advance of the NAFO annual meeting.

(c) At-Sea Monitoring

The Representative of the EU identified this as the primary issue in this exercise given the cost and, in the EU's view, questionable effectiveness. The Representative of the EU added that the shift to electronic monitoring would reduce the need for at-sea inspection, especially in the context of decreasing fishing effort and increased inspection rates and reiterated his concerns over NCEM Article 29.7. He concluded that the alternatives as provided for in this article were not practical and asked Representatives to reflect on this issue given the EU view that the existing practice was not sustainable in the long term.

The Representative of the United States noted that Canada and the United States continue to participate in joint patrols, under NCEM Article 29.5, and that this might be a possible option for certain Contracting Parties which are obliged to maintain an enforcement presence in the NRA. The Representative of the United States continued by indicating that this concept could also be expanded to include larger joint inspection teams, noting that this would likely necessitate changes to NCEM provisions. The Representative of the EU indicated that the EU had also had positive experience with joint patrols, however major issues such as command and control and communication issues need to be clarified.

The Representative of Canada observed that there was nothing in the measures that explicitly required Contracting Parties to maintain a patrol vessel and that Canada has engaged in joint patrol operations with several Contracting Parties (i.e. United States, EU, Russia). He acknowledged that there were issues related to joint inspections but noted that these could be mitigated through the development of some form of operation protocol or procedural guide and changes to the NCEM that would allow for longer inspection periods and additional inspectors (e.g. up to 3 inspectors instead of 2 and a trainee). The Chair noted that STACTIC had previously discussed the use of contracted vessels, crewed by Contracting Party NAFO inspectors, in a scenario where all Contracting Parties would contribute to the cost, however indicated further reflection was required on this issue.

The Representative of Canada also had several suggestions for issues to consider under this agenda item, which included: the need to review net inspection protocols and measuring tool standards, the development of acceptable parameters for protective netting over the codend utilized in the shrimp fishery that are not currently defined in the NCEM, the possibility of enhanced labelling provisions calling for larger font sizes to facilitate the inspection process, extension of the 30 minute net retrieval delay provisions under NCEM Article 33.3, augmented master obligations under NCEM Article 34.1.b) requiring further assistance/co-operation with inspectors given the limited time frame for at-sea inspections and finally a requirement for masters to maintain and provide to inspectors their authorization to fish.

The Representative of Canada stated that reduction of patrol vessels would further impair the ability to inspect vessels in outlying areas (e.g. Division 1F).

The Representative of the EU reiterated earlier comments that the NAFO Observer scheme was ineffective and consideration should be given as to the future of this costly measure.

The Representatives of Canada agreed to develop a proposal on joint inspection procedures for presentation at the NAFO annual meeting.

(d) Aerial Surveillance

The Representative of Canada included this element given the extent to which Canada employs fixed-wing aerial surveillance in the NRA and that there may be some merit in exploring other aerial surveillance tools, such as helicopters. The Chair indicated that extensive provisions did previously exist within the NCEM for helicopter assisted inspections, however it was removed as this method was not employed in NAFO.

It was agreed that Representatives would reflect further on this issue, the agenda item was deferred to the NAFO annual meeting.

6. Review of IUU List pursuant to NAFO CEM Article 57.3

The Chair opened the agenda item and asked the NAFO Secretariat to speak on STACTIC WP 09/4. The NAFO Secretariat presented the working paper and highlighted the changes to the list since its last formal review. The NAFO Secretariat also advised that a review of SEAFO's IUU vessel list had been conducted and it was found that the organization did not currently maintain its own list of IUU vessels, but instead it provided links to other organizations, such as NAFO/NEAFC and CCAMLR that did maintain IUU lists. The NAFO Secretariat requested that, in light of the cancellation of its Lloyd's registry subscription, Contracting Parties provide any information they may obtain regarding changes to vessels on the NAFO IUU list.

The Representative of Norway noted that the NEAFC Secretariat had made a similar request to Contracting Parties regarding provision of supplementary information on IUU vessels and that it was appropriate in the NAFO context as well. He also advised that the vessel *Aquamarine II* had been the subject of a NEAFC mail vote and as a consequence will be removed from the NEAFC IUU list.

The Chair noted that NEAFC was currently discussing the de-listing of vessels that had been scrapped or sunk and what evidence was required to facilitate vessel removals of this type. The Chair remarked that there was a need to develop a de-listing process to address this issue in NAFO.

The Representative of Russia agreed with the Chair and cited the example of the *Dolphin*, a vessel currently on the IUU list but that was apparently out of service and being used for parts.

The Representative of the EU noted that the IUU list has been extremely effective in combating IUU activity, particularly in NEAFC but did note the procedure for being listed was more straightforward than the delisting process.

The Representative of the United States noted that any de-listing process, in cases of vessel scraping/sinking, would likely require an amendment to the current NCEM (Article 57). The Chair noted the NEAFC was currently evaluating this issue and NAFO should monitor its progress in this regard.

The Representative of Canada indicated his willingness to continue to provide information on vessels on the IUU list and remarked that other sources existed for IUU vessels that could be explored with the objective of having more comprehensive coverage given the global nature of the IUU problem and the possibility of vessels on IUU lists of other organizations entering the NRA or Contracting Party ports. The Representative of the EU acknowledged the trend of organizations sharing lists but cautioned that quality control/rigor must be maintained when determining which vessels to list on the NAFO IUU list given the consequences.

The Representative of Norway echoed the Representative of the EU's point concerning the effectiveness of IUU lists and noted that two important elements to the ongoing effectiveness of the IUU listing process are: quality of information (in and out) and the merger of relevant RFMO IUU lists.

The Representative of Canada remarked that the current IUU focus is on vessels and that in the future some thought should be given to a possible broadening of this initiative to include other elements, such as Masters and Owners.

It was agreed that: Contracting Parties would continue to provide available updates to the NAFO Secretariat on information related to vessels contained on the IUU list, the NAFO Secretariat would make arrangements to remove the vessel Aquamarine II from the NAFO IUU list and the issue relating to the de-listing of vessels rendered permanently inoperable would be deferred to the annual meeting.

7. Shrimp Fisheries Management Measures (Shrimp in Division 3M and in Divisions 3LNO)

The Chair introduced the agenda item and provided some background on the issue and asked the NAFO Secretariat to present STACTIC WP 09/2 and STACTIC WP 09/5.

The NAFO Secretariat advised that STACTIC WP 09/2 was an extract of applicable 3L and 3M shrimp fisheries measures within the NCEM and that STACTIC WP 09/5 was aggregated catch and quota information that would serve as useful background concerning 3L and 3M shrimp stocks to assist Representatives in their deliberations.

The Chair referred to STACTIC WP 09/6 and highlighted elements that related to shrimp reporting that could be useful. He also provided a demonstration on the current Greenlandic data analysis system and process. The Chair added that daily catch reports for 3L shrimp are not currently in the electronic North Atlantic Format (NAF), however could easily be incorporated to facilitate electronic transfer to inspection authorities. The Chair also introduced a presentation on the measures taken in NEAFC (NEAFC document SCH 09/20) in the Redfish (Irminger Sea) fishery citing compliance parallels that could be explored in the NAFO shrimp fishery.

The Representative of Norway supported the Chair's suggestions for electronic reporting indicating that elements such as daily and weekly (7 day) reporting of catch was adopted in NEAFC and may be appropriate in the NAFO context as well. The Representative of Canada also supported exploring additional reporting as it would prove beneficial to enforcement authorities. The Representative of the EU questioned whether, given the shrimp stock health in 3L, daily reporting was warranted. The Representative of Norway indicated that based on the Fisheries Commission direction and the presence of two different but adjacent management schemes, that there was a need to tighten the reporting system.

The Chair also noted that there was an advantage to having similar reporting schemes in NEAFC and NAFO as it would reduce confusion to managers and the fishing industry that operate in both jurisdictions.

Denmark (in respect of the Faroe Islands and Greenland) agreed, under agenda item 5A), to develop a proposal that would contain elements relevant to this agenda item.

8. Half-year review of the implementation of the new Port State Control Measures

The Chair opened the agenda item and requested that the NAFO Secretariat brief Representatives on the implementation issues experienced to date. The NAFO Secretariat presented STACTIC WP 09/3 and provided a summary of experience with the newly adopted port control scheme. After the presentation, the NAFO Secretariat sought clarification as to the port inspection and report submission requirements. The Chair advised that reports pertaining to shrimp and Greenland halibut were required and that a reminder notification of this obligation should be circulated to Contracting Parties.

The Representative of Norway explained that the intent of the NAFO port state control measures was to control foreign landings, except in the case of shrimp for the pre-notification delay and species under a Fisheries Commission recovery plan (i.e. Greenland halibut). He elaborated that, given the nature of the NAFO fishery, the objective of the port state control scheme was to address the key fisheries, the remaining fisheries represented a low compliance risk (i.e. redfish) and landings by domestic vessels would be handled via domestic regulations.

The Representative of Russia sought clarification as to whether vessels operating in the Exclusive Economic Zone (EEZ) of another Contracting Party would be required to complete a PSC 1/PSC 2 form. The Chair indicated that while it was not expressly required, for the purposes of control it would be desirable. The Representative of Norway supported this position and indicated that the forms contain a section relation to catch from "other areas" to account for the full catch onboard in the case of mixed fishing jurisdictions.

The Representative of the EU requested clarification on the pre-notification period called for in the port state control scheme that calls for 3 days and how this applies to shrimp from NAFO Division 3L where there is a 24 hour pre-notification period (Article 6). The Chair indicated that this was determined by the Port State and that irrespective of the agreed pre-notification period there would still be a requirement for the flag State to provide an authorization. The Representative of the EU noted that the port State could still allow landing, by way of derogation, of the fish (Article 46.7) so long as it was kept in the control of the competent authority, pending flag State authorization. The Representative of Canada added that this was at the discretion of the port State and in the Canadian context the vessel may be permitted to enter port but would likely not be permitted to discharge given existing port entry license conditions.

The Representative of the EU sought clarification on the subject of tolerance levels, given the submission of catch estimates could be many days in advance of landing and fishing activity during that time would have likely continued. The Chair indicated that NEAFC was attempting to address this very issue via correction/cancellation forms. The Representative of Norway indicated that the issue was left in the hands of Contracting Parties to find a workable solution based on past practices. The Representative of Canada indicated that this was also an issue domestically and that a “common sense” approach was employed in these cases.

The Chair instructed the NAFO Secretariat to send out a reminder notification that reports of shrimp and Greenland halibut landings were still required to be submitted to the NAFO Secretariat. The item was deferred to the annual meeting to allow for further reflection.

9. Possible Amendments to Conservation and Enforcement Measures

(i) Automated COE/COX comparison between NAFO and NEAFC reports

The Chair opened the agenda and indicated that due to the absence of the Representative of Iceland, whose ongoing contribution to this issue was integral, the item would be deferred to the next meeting.

The agenda item was deferred to the next STACTIC meeting.

(ii) Editorial Changes to the NCEM

The Chair provided a background on the development of STACTIC WP 08/14 and the NAFO Secretariat provided a rationale for the proposed changes. The Chair suggested the creation of a drafting group to work with the NAFO Secretariat on this issue. The Representative of Canada and Denmark (in respect of the Faroe Islands and Greenland) supported the creation of a drafting committee. The Representative of Denmark (in respect of the Faroe Islands and Greenland) reported that vessel Masters had voiced concerns over the lack of clarity in the NCEM. The Chair indicated that this is one of the issues the drafting committee could address. The Chair suggested that the drafting committee should remain relatively small to ensure effectiveness. The Representatives of Canada, EU and the United States agreed to participate in the drafting committee.

It was agreed that STACTIC would recommend to the Fisheries Commission that a drafting committee be established with the objective of reviewing the NCEM and proposing changes for its improvement.

10. Use of NAFO VMS information for search and rescue

The Chair reminded Representatives that the Representative of Iceland, in coordination with the Representatives of the United States and Canada were to develop a proposal on this matter.

The Representatives of the EU and Norway voiced support for this concept. The Representative of Canada and France (in respect of Saint Pierre et Miquelon) noted that current provisions for this existed within their respective domestic legislation and practices.

The Representative of Norway noted that Iceland had submitted an information paper at NEAFC that described the situation and indicated that STACTIC was addressing the issue. The Representatives of United States presented STACTIC WP 09/7, a joint United States/Canada proposal based on the Icelandic discussion paper at NEAFC. It was agreed that STACTIC WP 09/7 would be revised for submission to Fisheries Commission for adoption.

It was agreed that STACTIC WP 09/7(Rev.) (Annex 6) would be submitted to Fisheries Commission for its consideration at the NAFO annual meeting.

11. Omega mesh gauge

The Chair opened the agenda item and asked the Representative of the EU to present STACTIC WP 09/1. The Representative of the EU noted that this paper was provided to elaborate on previous discussions and that it was intended to be taken as information only at this time.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) remarked that they had purchased a unit for testing but had not begun the evaluation. She also noted that the unit was quite expensive. The Representative of Canada remarked that there were some concerns during initial testing of the older model but committed to purchasing the new Omega gauges for further evaluation. The Representative of Norway noted that testing had been conducted and that there were some issues in the context of real control situations. The Representative of the EU remarked that this gauge was widely accepted and provides an accurate and consistent measurement that is required for legal procedures.

The Chair questioned the EU on the status of this gauge within the EU, particularly whether the old methods had been replaced and whether there was a transitional period. The Representative of the EU advised that the new gauge would be the standard and that the transitional period had almost concluded.

The Chair noted that this subject could be revisited at a later date.

12. Issues arising from the March 2009 meeting of the Working Group of Fishery Managers and Scientists (WGFMS) in Vigo, Spain

The Chair opened this informational agenda item and the NAFO Secretariat provided a briefing on the outcomes of the Working Group meeting outlined in NAFO/FC Doc. 09/2. The Representatives were advised that this initiative would likely generate items for STACTIC's considerations.

The Chair noted that this subject could be revisited at a later date.

13. Other matters

(i) By-Catch Issues

The Representative of the EU voiced concerns over the unclear nature of some of the by-catch provisions within the NCEM, particularly footnote (22) of the Annex I.A. – Annual Quota Table. The Representative of the EU also remarked that the by-catch thresholds set by Fisheries Commission should be subject to a review or a request to Scientific Council to ensure they are still valid in the context of observed changes in relative abundance of certain species.

The Representative of Canada, while supporting the notion of clarifications in the NCEM related to by-catch, noted that the setting of by-catch thresholds was contentious and could be problematic to pursue. The Representative of Russia also supported the review and clarification of the by-catch provisions to avoid possible misunderstandings. The Representative of Norway agreed with Canada that the by-catch thresholds was a contentious issue and noted that the by-catch thresholds were not provided by science but negotiated by Contracting Parties at the Fisheries Commission.

The Representative of the EU suggested that the issue of clarifying the by-catch measures could be addressed by the proposed NCEM drafting group. On the issue of by-catch levels the Representative of the EU suggested that STACTIC make a request to the Scientific Council via the Fisheries Commission to conduct a review of the established levels.

The Representative of Norway provided a rationale for the variance in thresholds identified in footnote 22, however the Representative of the EU indicated that clarification should still be sought from the Fisheries Commission on this issue.

It was agreed that the Fisheries Commission would be consulted regarding the by-catch concerns raised by the Representative of the EU.

(ii) Transfer of fishing possibilities from quota allocations shared by other Contracting Parties

The Representative of the United States voiced concerns over a recent transfer of fishing possibilities between Contracting Parties of shared quota from subarea 2 + 1F3K redfish and questioned whether this type of transfer was permissible under NCEM Article 11. The Representative of the United States elaborated that this practice would have practical consequences that could undermine the intent of the shared quota. The Representative of Norway shared these concerns. The Representative of Canada acknowledged the issue and supported the need for further clarification.

The Representative of the EU noted that this was an allocation issue and therefore was a Fisheries Commission matter. The Representative of Russia supported this statement and indicated that this was not a control issue. He also noted that Contracting Parties, particularly those with shared quota, had not objected to this transfer when the notification was circulated by the NAFO Secretariat.

The Representative of the United States remarked that this item was brought forward to raise awareness and seek input on the issue. While recognizing that the quota transfer issue itself may not be a STACTIC concern, the Representative of the United States did note that ancillary issues, such as reporting obligations, would fall within STACTIC's mandate and indicated that the United States delegation may pursue the issue of transferring shared quota at Fisheries Commission.

The item was deferred to the NAFO annual meeting, further discussion pending possible Fisheries Commission discussion.

14. Time and Place of next meeting

The next meeting of STACTIC will take place at the 31st NAFO Annual Meeting, September 21-25, 2009 in Bergen, Norway.

15. Adoption of Report

The report was adopted by the representatives.

16. Adjournment

The meeting adjourned at 12:10pm on Thursday, May 7th, 2009.

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening by the Chair, Mads Nedergaard (Denmark in respect of the Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Compilation of fisheries reports for compliance review (2004-2008), including review of Apparent Infringements.
5. Review and evaluation of NAFO Compliance objectives
6. Review of IUU List pursuant to NAFO CEM Article 57.3
7. Shrimp Fisheries Management Measures (Shrimp in Division 3M and in Divisions 3LNO)
8. Half-year review of the implementation of the new Port State Control Measures
9. Possible Amendments to Conservation and Enforcement Measures
 - i) Automated COE/COX comparison between NAFO and NEAFC reports
 - ii) Editorial Changes to the NCEM
10. Use of NAFO VMS information for search and rescue
11. Omega mesh gauge
12. Issues arising from the March 2009 meeting of the Working Group of Fishery Managers and Scientists (WGFMS) in Vigo, Spain
13. Other matters
 - i) By-Catch Issues
 - ii) Transfer of fishing possibilities from quota allocations shared by other Contracting Parties
14. Time and Place of next meeting
15. Adoption of Report
16. Adjournment

Annex 3. NAFO 2008 Fisheries Profile and Trends
(presented by the Secretariat)

**NAFO 2008 FISHERIES
PROFILE and TRENDS**
(from the Compilation of NAFO
Fishing Reports for STACTIC
Compliance Review)

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INTRODUCTION

NAFO Rules of Procedure - Rule 5.1e :

STACTIC shall produce an annual report on compliance by all Contracting Parties for the preceding calendar year. The report shall be based on a comprehensive provisional compilation by the Executive Secretary of relevant reports submitted by Contracting Parties and any other information available to the Executive Secretary.

STACTIC Working Paper 02/14, requires the Executive Secretary:

- to compile reports and information submitted by Contracting Parties regarding fishing activities and fish catch
- to compile information regarding Apparent Infringements (AIs)

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Objectives

- To enable the data “to speak for themselves”
- To facilitate comparison and cross-verification of information from different sources
- To facilitate identification of data gaps and missing reports

Main Sources of Information

- VMS Hail and Position Reports (COE, ENT, COX, EXI, POS, etc.)
- Port Inspection Reports
- Observer Summary Reports
- NAFO at-sea inspection reports

Additional Sources

- Reports on Inspection and Surveillance Activities (CAN and EU)
- Communications and statements regarding AIs and their disposition
- Monthly Provisional Catches

Fishing periods and trips

- VMS – Hails and Position reports
- Port Inspection Reports
- Observer Summary Reports

Apparent Infringements

- At-sea inspection reports
- Port Inspection Reports
- Reports on Inspection and Surveillance Activities (CAN and EU)
- Communications and statements regarding AIs and their disposition

Catches

- VMS Hails (COX-COE)
- Port landings (adjusted by TRA, POR)
- Observer Reports (adjusted by OBR-CAX)
- Monthly Provisional Catches (YTD catches in December)

“fishing trip”

the time beginning when the vessels enters the Regulatory Area and ending when the vessel leaves the Regulatory Area and all catch on board from the Regulatory Area is unloaded or transhipped. (CEM Article 2. 5)

In the compilation,

- a "fishing trip" was determined through the examination of the dates of COE (or ENT) and COX (or EXI) VMS hail report, corroborated by the POS and Port Inspection and Observer Reports.

- the concept of "fishing period" was introduced. Fishing periods are determined by the date interval between the COE and COX dates. A "fishing period" is not corroborated by Port Inspection or Observer Reports, but catches were reported during this period.

- "fishing periods" are included in the compilation, e.g. determination of catch and effort.

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Criteria for inclusion in the 2008 compilation

• VMS, Port Inspection and Observers Reports

Fishing trips or periods that end in 2008, i.e. trips or periods that cover 2007-2008 are INCLUDED, and trips or periods that cover 2008-2009 are EXCLUDED

• At-sea inspection reports

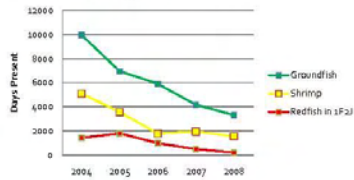
All at-sea inspection reports dated 2008 (i.e., at time of inspection), regardless of the date of the trip or period in which the fishing vessel was inspected.

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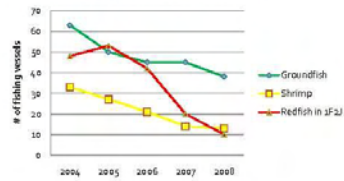
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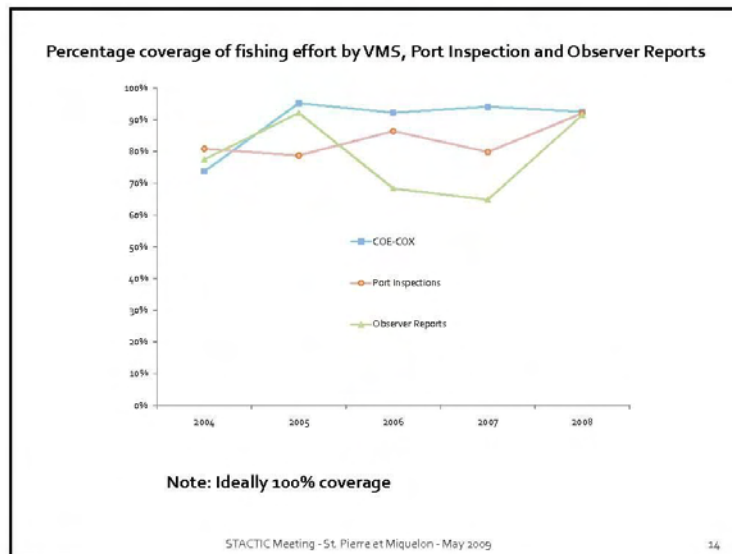
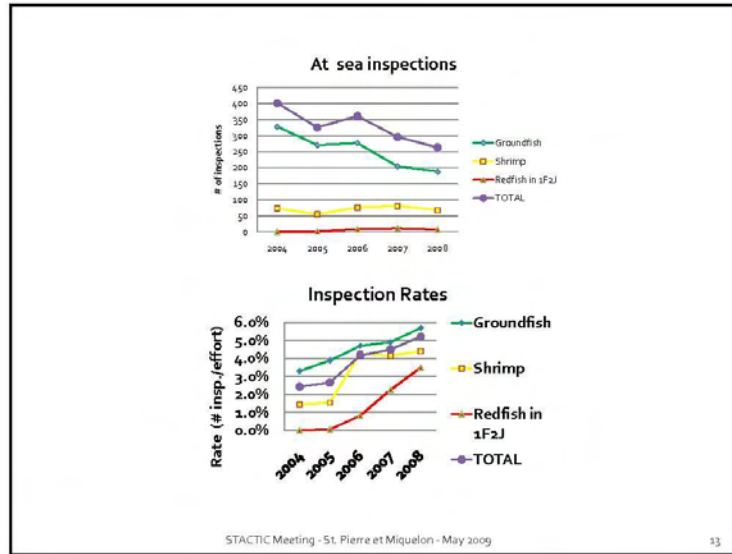
TRENDS 2004-2008

Fishing Effort in the NRA



Active vessels in the NRA





Apparent Infringements

AI#	I or P	InspID	Vessel	CP	InspDate	DirFish	Apparent Infridgement	Serious?
1	Port	15	A		07-May-08	GRO	Mis-recording of catches - inaccurate recording	TRUE
2	Port	55	A		21-Jul-08	GRO	Mis-recording of catches - inaccurate recording	TRUE
3	Port	14	B		29-Apr-08	GRO	Product labelling	FALSE
4	At-sea	43	C		28-Feb-08	GRO	Bycatch provisions	TRUE
5	At-sea	116	D		06-Jul-08	GRO	Product labelling	FALSE
6	At-sea	116	D		06-Jul-08	GRO	Mis-recording of catches - stowage	FALSE
7	At-sea	220	E		21-Sep-08	PRA	Mis-recording of catches - stowage	FALSE
8	At-sea	220	E		21-Sep-08	PRA	Vessel requirements - capacity plans	FALSE
9	At-sea	250	F		26-Oct-08	PRA	Vessel requirements - capacity plans	FALSE
10	At-sea	249	G		25-Oct-08	GRO	Vessel requirements - capacity plans	FALSE
11	At-sea	251	H		27-Oct-08	PRA	Vessel requirements - capacity plans	FALSE
12	At-sea	252	I		29-Dec-08	PRA	Vessel requirements - capacity plans	FALSE

Annex 4. NAFO Compliance Tools/Measures – Possible Discussion Topics
(Effectiveness / Possible Improvements)
 (STACTIC WP 09/8 – presented by Canada)

A) Electronic/Satellite/Remote Monitoring

- Vessel Monitoring System – (what is reported – what is required?)
- Electronic Logs
- Entry/Exit Notifications
- Catch Reports

B) In-Port/Land based Monitoring

- Port State Controls Requirements
 - Timelines for entry
 - Notice of Authorization Requirements
- Catch Monitoring in Port
 - Level of Inspection (15% (Minimum Level)-100% (Recovery Plan))
 - Application to flag state vessels
 - Checklist – Standardization
 - Cross-checks (e.g. quantities by species)
 - Entire Discharge Monitored
- Reporting Requirements & Follow-up

C) At-Sea Monitoring

- Inspection Vessel Presence
- Inspector Presence/ Numbers permitted
- Serious Infringement follow-up requirements (72 hrs)
- Inspection parameters (e.g. timeframes, net inspection requirements, gear attachments, hold/product checks, numbers of inspector/joint inspections)
- Inspection Frequency/Vessel Selection
- Observers (requirements & exemptions)
- Master Obligations:
 - net retrieval
 - ladder available
 - assist inspector
 - logbook requirements
 - stowage plans
 - capacity plans
 - product labelling
 - by-catch moving
 - Authorization to fish

D) Aerial Surveillance

- Requirements?
- Reporting

Annex 5. Discussion Paper - Ideas for improving catch reporting (STACTIC WP 09/6 – presented by DFG)

Some control measures could be easily improved, as they are already incorporated in the CEM e.g.:

Reporting procedures for 3L

According to Article 25.4

- Contracting Parties shall daily notify the Executive Secretary of shrimp catches taken by its vessels in Division 3L. The Executive Secretary shall forward this information to Contracting Parties with an inspection presence.

Daily catch information from 3L could be forwarded as a **CAT** message in the NAF format. This would streamline the reporting of catches.

A weekly CAT report

Diverging reporting obligations apply to the different fisheries. It is possible for a vessel to fish for a month without any catch information being available for the Secretariat (monthly catches to be reported according to Article 25.1). In some fisheries it is required to report more often. A weekly CAT report would streamline the reporting obligations and make it more transparent.

The introduction of an electronic logbook would make both suggestions obsolete and make reporting more simple.

VMS communication improvements

The rules regarding VMS coverage could be improved considerably by introducing course and speed in the communication (Article 26.1). Hourly position reports would be especially relevant regarding vessels trawling close to VME areas (closed to bottom trawling).

Some control measures are not incorporated in the CEM and would be new suggestions e.g.:

Communication of catches: Shrimp count-groups

In the Greenlandic shrimp fishery the masters are obliged to report the shrimp in product category and count-groups (see attachment). Count-groups are categories defined as number of shrimps per kilo. This provides valuable information for the scientists in their assessments of stocks. The enforcement can make use of this reporting, especially regarding high-grading.

Format for the communication of catches of shrimp by fisheries vessels

Data Element:	Field Code	Mandatory/ Optional	Remarks
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, "XNW" for NAFO
Sequens Number	SQ	M	Message detail; message serial number in current year
Type of Message	TM	M	Message detail; message type CAT as catch report
Radio call sign	RC	M	International Radio Call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Name of Master	MA	M	Name of the master of the vessel
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 Catch	CA	M	Activity detail; cumulative catch by species retained onboard, either since commencement of fishing in the R.A. ² or last "Catch" report, in pairs as needed FAO species code Live weight in kilograms rounded to the nearest 100 kilograms
Catch of Shrimp	CG	M	Catch of shrimp since last CAT or COE, divided into Count Groups (ref. Annex xx)
Discard	RJ	M	Activity detail; discarded catch by species, live weight, 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 (YYYYMMDD)
Time	TI	M	Message detail; time of transmission UTC (TTMM)
End of record	ER	M	System detail, indicates end of record

Format for the communication of catches of shrimp by fisheries vessels

Definitions on Count Group reporting

New NAF-Definitions:

CG Count groups	Char*3 Num*7
-----------------	--------------

Count groups

Main Group	Count Groups	Code
Raw frozen shrimp (horisontal platefreezer)	40- 60	FG1
Raw frozen shrimp	60- 90	FG2
Raw frozen shrimp	90-120	FG3
Raw frozen shrimp	120-150	FG4
Raw frozen shrimp	150+	FG5
Cooked shrimp (plast freezer)	40- 60	SG1
Cooked shrimp	60- 90	SG2
Cooked shrimp	90-120	SG3
Cooked shrimp	120-150	SG4
Cooked shrimp	150+	SG5
Industrial shrimp (raw blast freezer)	Ingen fordeling	IG0
Industrial shrimp	40- 60	IG1
Industrial shrimp	60- 90	IG2
Industrial shrimp	90-120	IG3
Industrial shrimp	120-150	IG4
Industrial shrimp	150+	IG5

Example:

...//CA/PRA 1220 COD 100//CG/FG1 1000 FG4 220//RJ/MZZ 0//ER//

Annex 6. Use of VMS Information for Search and Rescue
(STACTIC WP 09/7, Rev. – Proposal by USA/Iceland/Canada)

Background:

During the summer of 2008 the Iceland and US Coast Guard participated in a Search and Rescue (SAR) exercise. It was noted that there were not any provisions in the NAFO Conservation and Enforcement Measures that permitted the use of VMS information for Search and Rescue or safety purposes. Article 26 (VMS) and Annex XIX did not specifically authorize the use of VMS information for these purposes.

At the September 2008 meeting at Vigo it was generally agreed that the use of VMS for SAR and maritime safety purposes should be authorized. Several countries indicated that domestic legislation or policy permitted the use of domestic VMS for purposes other than Fisheries compliance. Iceland, United States and Canada were tasked to cooperate on developing a proposal for review.

Proposal:

Amend Article 26 to add a new paragraph 13 as follows:

13. Contracting Parties and the Secretariat may provide and/or use the NAFO VMS data for Search and Rescue and maritime safety purposes.