

**SECTION III**

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**Report of the Fisheries Commission and its Subsidiary Body  
(STACTIC), 34<sup>th</sup> Annual Meeting****17-21 September 2012  
St. Petersburg, Russian Federation****Contents**

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## PART I

### Report of the Fisheries Commission (FC Doc. 12/31)

#### 34<sup>th</sup> Annual Meeting, 17-21 September 2012 St. Petersburg, Russian Federation

##### I. Opening Procedure (*Agenda items 1-5*)

###### 1. Opening by the Chair, Sylvie Lapointe (Canada)

The meeting was opened by the Chair, Sylvie Lapointe (Canada), at 14:05 hrs on Monday 17<sup>th</sup> September 2012. Representatives from all Contracting Parties were in attendance: 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, Russian Federation, Ukraine, and the United States of America (USA) (Annex 1). She expressed thanks on behalf of the participants to the Russian Federation for hosting the Annual Meeting.

The presence of the following NGOs which had been granted observer status was also acknowledged: Pew Environment Group, and World Wildlife Fund (WWF).

###### 2. Appointment of Rapporteur

Ricardo Federizon, Fisheries Commission Coordinator (NAFO Secretariat), was appointed Rapporteur. The summary of decisions and actions taken by the Fisheries Commission is presented in Annex 2.

###### 3. Adoption of Agenda

The provisional agenda as previously circulated was adopted (Annex 3).

###### 4. Review of Commission Membership

It was noted that the membership of the Fisheries Commission is currently twelve (12). All Contracting Parties have voting rights in 2012.

###### 5. Guidance to STACTIC necessary for them to complete their work

The Chair of the Standing Committee on International Control (STACTIC), Gene Martin (USA) presented the results of the STACTIC May 2012 intersessional meeting which was held in Brussels, Belgium (FC Doc 12/2). He reported on the status of the proposals on changes in the NAFO Conservation and Enforcement Measures (NCEM), as well as on the feedback from STACTIC on the Performance Review Panel (PRP) recommendations concerning Port State Measures, estimation of total shark weight in relation to shark fins, and product labelling and traceability. These PRP recommendations were forwarded to STACTIC at the 2011 Annual Meeting (FC WP 11/13).

Also at the 2011 Annual Meeting, FC forwarded to STACTIC for evaluation a proposal involving observers in compliance with the reporting requirements during VME encounter incidents in the existing fishing areas (FC WP 11/23). The intent of the proposal was to mandate observers to identify vulnerable marine ecosystem (VME) encounters (below the threshold) requiring observers to identify corals, sponges and other organisms to the lowest possible taxonomical level. The STACTIC Chair reported that it considers the proposal as a policy issue rather than a compliance issue as it would entail additional work for observers beyond existing provisions, and thus it is not in the position to make the evaluation.

The Fisheries Commission forwarded additional PRP recommendations # 23, 27 – 31, and 34 (as numbered in Annex 3 of GC Doc 12/1) for feedback (FC WP 12/5).

The recommendations and PRP feedback from the intersessional meeting and from this Annual Meeting would be presented in item 19 (see also Part II of this Report).

The Fisheries Commission commended the work of STACTIC and encouraged the Committee to continue its work.

##### II. Performance Review Panel Recommendations (*Agenda items 6-7*)

###### 6. Recommendations addressed to the Fisheries Commission and its subsidiary body STACTIC

The Chair referred to the document GCWG WP 12/2 which outlines the FC action plan in the implementation

of the PRP recommendations exclusively relevant to FC. This document was presented at the meeting of the GC Working Group on the Development of Plans of Action for the Implementation of the Recommendations of the NAFO Performance Review Panel held in March 2012.

There are eight recommendations in the document, three of which had been forwarded to STACTIC for feedback in 2011 (see item 5). It was noted some of the actions and decisions of FC and STACTIC address the PRP recommendations and are in line with plans of action.

The Fisheries Commission would review and discuss the implementation of the recommendations on a yearly basis at the Annual Meeting.

#### **7. Recommendations addressed to more than one NAFO Body including Fisheries Commission**

The Chair referred to the document GC Doc 12/1, the Report of the GC Working Group on the Development of Plans of Action for the Implementation of the Recommendations of the NAFO Performance Review Panel, which was adopted by the General Council at this Annual Meeting. Particular reference was made to Annex 3 of that document in which the proposed plans of action for each recommendation were outlined.

The Fisheries Commission welcomed the proposed plans of action, and expressed support particularly in the relationship improvement with the Scientific Council and in the transparency of its operations.

Regarding Recommendation 25 (as numbered in Annex 3 of GC Doc 12/1), the Fisheries Commission and the Scientific Council had a joint meeting on the side to discuss the specific plans of action in the implementation of this recommendation. Short-, medium-, and long-term priorities were agreed to. These priorities included catch discrepancies and estimates, the establishment of management objectives, and further implementation of the precautionary and ecosystem approaches through the various NAFO working groups.

Regarding Recommendation 22 on fishing capacity, Iceland expressed that it does not support this recommendation as it considers effort and capacity management measures are not an efficient tool in the management of fisheries.

Regarding Recommendation 24 on the resolution of the discrepancy between STATLANT 21A catch estimates and those of STACFIS, the Peer Review Panel Chair Dr. Bruce Atkinson presented his report at the General Council (GC WP 12/4 and see also GC Report of this Annual Meeting) and four recommendations specifically addressed to the Fisheries Commission (FC WP 12/8). These recommendations were forwarded to STACTIC. Initial feedback was delivered at this meeting (see Part II of the Report). The Fisheries Commission also invited the Scientific Council to address items 1 to 4 of Annex II of GC WP 12/4 (FC WP 12/26).

In light of the importance of resolving the discrepancies in catch estimates, members of the Fisheries Commission supported the General Council decision to conclude the peer review process and to have it completed by April 2013.

Contracting Parties also supported the usefulness of ongoing discussions between the constituent bodies and their Chairs to address this issue to help ensure that stock assessments could be effectively conducted in support of the 2013 annual meeting.

Additional measures were also tasked to STACTIC to help address the issue of catch discrepancies.

A draft table was prepared outlining the actions and decisions made by the Fisheries Commission so far in the implementation of the PRP recommendations (FC WP 12/34). As in the case of the PRP recommendations presented in GCWG WP 12/2, it was noted that the Fisheries Commission has been addressing some of the PRP recommendations in line with the plans of action. These decisions and actions are reflected in the various sections of this Report.

The Fisheries Commission would review and discuss the implementation of the recommendations on a yearly basis at the Annual Meeting.

### **III. Scientific Advice (*Agenda items 8-10*)**

#### **8. Presentation of scientific advice by the Chair of the Scientific Council**

The Scientific Council (SC) Chair, Carsten Hvingel (Norway), presented the comprehensive and detailed scientific advice to the Fisheries Commission. The scientific advice on fish stocks and on other topics is contained in SCS Doc 12/19 from the June 2012 Scientific Council meeting. Advice on shrimps was updated during the SC WebEx meetings between 27 August and 7 September 2012 (SCS Doc 12/20). The scientific advice represents the response of the Scientific Council to the requests from the Fisheries Commission formulated at the previous Annual Meeting (FC Doc 11/9 Rev).

The following is an overview of the scientific advice on the fish stocks which were fully assessed or monitored at the SC meetings, as well as on the selected topics from special request items on Conservation Plans and Rebuilding Strategies (CPRS), Management Strategy Evaluation (MSE), and Vulnerable Marine Ecosystem. The advice may contain special comments and caveats. The Scientific Council Chair urged the Fisheries Commission to consult the details in the relevant SC meeting reports when considering conservation and management measures.

### 8.1 Scientific advice on fish stocks

- o **Shrimp in Division 3M.** Fishing mortality for 2013 be set as close to zero as possible.
- o **Shrimp in Divisions 3LNO.** The TAC for 2013 should be less than 8 600 t.
- o **Cod in Division 3M.** In the short term the stock can sustain high values of  $F$ , however any fishing mortality over  $F_{max}$  will result in an overall loss in yield in the long term. Scientific Council considers that yields at  $F_{statusquo}$  are not a viable option.
- o **Redfish in Divisions 3LN.** Fishing mortality in 2013 and 2014 should be kept around the current level. Increases of  $F$  above  $F_{statusquo}$  should be treated with caution.
- o **Thorny Skate in Divisions 3LNOPs.** Catches in Div. 3LNO in excess of recent levels (2009-11 average = 4 700 t) will increase the risk of the stock failing to rebuild.
- o **Cod in Divisions 3NO** Re-iterated advice of no directed fishery in 2011-2013.
- o **Redfish in Division 3O** Re-iterated that SC was unable to advice on a TAC.
- o **Witch flounder Divisions 2J3KL.** Re-iterated advice of no directed fishery in 2012-2014.
- o **Northern shortfinned squid SA 3+4.** Re-iterated advice that the TAC for 2011 to 2013 be set between 19 000 and 34 000 t.
- o **American plaice in Division 3M.** Re-iterated advice of no directed fishery in 2012-2014.
- o **Witch flounder in Divisions 3NO.** Re-iterated advice of no directed fishery in 2012-2014.
- o **Redfish in Division 3M.** Re-iterated advice that all redfish species combined in Div. 3M in 2012 and 2013 should not exceed 6 500 t.
- o **Yellowtail in Divisions 3LNO (2011).** Re-iterated advice that  $F$  options of up to 85%  $F_{msy}$  are considered to have a low risk of exceeding  $F_{lim}$  ( $= F_{msy}$ ) in 2012 and 2013.
- o **Capelin in Divisions 3NO (2011).** Re-iterated advice of no directed fishery in 2012-2013.
- o **White hake in Divisions 3NO (2011).** Re-iterated advice that the current TAC of 5 000 t is unrealistic and that catches of white hake in Div. 3NO in 2012 and 2013 should not exceed their current levels.
- o **American plaice in Divisions 3LNO.** No directed fishing in 2013 and 2014. Bycatches be kept to the lowest possible levels.

### 8.2 Conservation Plans and Rebuilding Strategies (CPRS)

The SC Chair presented the responses and advice on the CPRS-related topics of *Reference Points for 3LNO A. plaice and 3NO Cod and  $B_{isy}$* , *Review of rebuilding plans for 3LNO A. plaice and 3NO Cod*, *Evaluation of Harvest Control Rule for 3LNO A. plaice and 3NO Cod*, *Full assessment of 3LNO A. plaice,  $B_{msy}$  and HCR for 3M Cod, and 3NO Witch flounder stock status and recruitment*. The responses and advice are referenced in pages 20-27 and 34-36 of the SCS Doc 12/19.

The CPRS advice was utilized by the FC Working Group of Fishery Managers and Scientists on CPRS at its meeting in September 2012 (see item 11).

### 8.3 Greenland Halibut Management Strategy Evaluation (MSE)

On the computation of the TAC according to the adopted Harvest Control Rule (HCR): Averaging the individual survey slopes yields slope = -0.1099. The TAC in 2012 [of 2+3KLMNO GHL] is 16 326 t. Applying the HCR,  $16326 * [1 + 2 * (-0.1099)] = 12 739$ t. However, as this change exceeds 5%, the HCR constraint is activated and  $TAC_{2013} = 0.95 * 16326 = 15 510$  t.

The Scientific Council also advises that exceptional circumstances are presently occurring; but that having one survey above the simulated distributions from one suite of operating models does not constitute a conservation concern.

#### 8.4 Vulnerable Marine Ecosystems (VME)

The SC Chair presented the responses and advice on the VME-related topics of *VME Indicator Species and Elements*, *GIS modelling of sponge encounters*, *Encounter thresholds and move on rules*, *Mapping of VME indicator species and elements*, and *Work plan for re-assessment of VMEs*. The responses and advice are referenced in pages 39-52 of the SCS Doc 12/19.

The VME advice was utilized by the FC Working Group of Fishery Managers and Scientists on VME at its meeting in September 2012 (see item 15).

#### 8.5 Other issues (as determined by the Chair of the Scientific Council)

The Scientific Council Chair informed the Fisheries Commission of its increasing workload within the last few years such that it is reaching the limits of its resources and capabilities. In 2012 alone, it has conducted full assessment of five (5) stocks, two of which needed an update; an MSE on Greenland halibut; and monitoring of ten (10) stocks. In addition, there were full assessment and monitoring of eight (8) other stocks as requested by the Coastal States. There were also sixteen (16) request items from the Fisheries Commission, covering various topics such as CPRS and VME.

The SC Chair appealed for more support from the Contracting Parties in its capacity building.

The SC Chair also presented the issue of the discrepancy between STATLANT 21A catch estimates and those of STACFIS (PRP recommendation # 24). He indicated that the Scientific Council has cooperated with the group conducting the peer review into catch estimation methods of STACFIS, and will be pleased to support the group in the second part of their work, examining the discrepancy between the STACFIS and STATLANT figures (see item 7).

#### 8.6 Feedback to the SC regarding the advice and its work during this Meeting

The SC Chair's presentation engendered questions and enquiries for further clarification to which the Scientific Council prepared responses during the meeting. The questions from the Fisheries Commission and the responses from the Scientific Council are compiled in Annex 4. These concern the cod in 3M and 3NO, redfish in 3LN, shrimp in 3LNO, thorny skate in 3LNO, and witch flounder in 3NO.

### 9. Quinquennial Review of Environmental Conditions in the Northwestern Atlantic

The environmental review was presented by Standing Committee on Fisheries Environment (STACFEN) Chair, Gary Maillet (Canada). Highlights of the presentation include:

- Importance of large-scale atmospheric forcing on ocean climate trends in the North Atlantic (Warm Phase).
- Although climate records are currently being set (air and ocean temperatures, sea-ice cover, etc.), similar ocean conditions have occurred and persisted in the North Atlantic during the 20th century (1920's-1960's).
- Satellite data support oceanographic observations of large-scale influence on Sea-Surface Temperature (SST) and ocean productivity trends in the NRA.
- Time series records back to mid-1990's demonstrate a strong trend in warming and saltier conditions in both the upper water column and the layer impacted by convection in the Labrador Sea Basin.
- Climate model projections (IPCC) support a continuation of ocean warming into the next decade.
- Some indices of marine production are correlated with ocean climate trends, however mechanisms are generally unknown.
- Factors such as predator-prey interactions, competition, exploitation, etc., and possibly others often outweigh environmental effects.

Details of the environmental review are documented in Appendix I of SCS Doc 12/19.

### 10. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2014 and on other matters

The Fisheries Commission **adopted** the proposal for an updated framework for the presentations of Scientific Advice based on risk (Annex 5).

The Fisheries Commission **adopted** FC WP 12/21 Rev2 containing its request to the Scientific Council for scientific advice on management in 2013 and beyond of certain stocks in Subareas 2, 3, and 4 and on other matters (Annex 6). The Request includes the application of the updated framework for the presentations of scientific advice.

Recognizing for the need of better transparency and better communication between the Scientific Council and the Fisheries Commission and noting the scope of management issues in NAFO and the associated increase in the workload for the Scientific Council and the need to prioritize work and use of resources of the Scientific Council more efficiently (see item 8.5), the Fisheries Commission **adopted** a new process in developing questions and formulating requests to the Scientific Council. This process is described in Annex 7.

#### IV. Conservation of Fish Stocks in the Regulatory Area (*Agenda items 11-14*)

##### 11. Reports and Recommendations of the FC Working Group of Fishery Managers and Scientists on Conservation Plans and Rebuilding Strategies (WGFMS-CPRS)

The Chair of WGFMS-CPRS Chair Jean-Claude Mahé (EU) presented the Report of the Working Group which met in September 2012 via WebEx (FC Doc 12/5), and forwarded the following recommendations:

1. The WG **recommends** that the Fisheries Commission considers as priorities the development of a general CPRS framework for stocks managed by NAFO, on-going development of CPRS for 3LNO American plaice and 3NO cod, continued efforts to develop a CPRS for other stocks including 3NO witch flounder, and initial development of CPRS for both 3LN redfish and 3M cod.
2. The WG **recommends** that the Fisheries Commission endorses the following work items for the next meeting of the working group:
  - the elaboration of a general framework including management objectives and performance statistics;
  - the development of alternate strategies for stocks that may not be suited to formulaic rules and/or for stocks where reference points do not exist or cannot be developed.
3. The WG **recommends** that the Fisheries Commission requests the Scientific Council to
  - as a short term priority, develop Limit Reference Points (LRP) Proxy for 3NO witch flounder, e.g. investigate further the approach that was used for 2J3KL witch flounder to estimate  $B_{lim}$ ;
  - as an intermediate priority, continue its research on the 3NO Cod productivity, particularly MSY reference points.

The Fisheries Commission **adopted** all the CPRS recommendations above.

Noting that this working group shall consider the broader use of the Precautionary Approach framework, extension of management strategy evaluation and other risk-based management approaches, the Fisheries Commission **adopted** the proposal for a joint FC-SC WG on CPRS (Annex 8). The Fisheries Commission shall invite the Chair of the Scientific Council and the Chairs of this working group and of the WG on Management Strategy Evaluation to have an intersessional meeting to develop a draft Term of Reference and workplan for a FC-SC working group. The terms of reference and workplan would be considered by both the Scientific Council and the Fisheries Commission at the 2013 Annual Meeting.

##### 12. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2013

The quota table for 2013 and the Effort Allocation Scheme for the shrimp fishery in NAFO Division 3M can be found in Annex 9 of this Report. Allocation schemes for the fish stocks mentioned in items 12 and 13 are the same as in 2012.

###### 12.1 Cod in Division 3M

It was **agreed** to set the Total Allowable Catch (TAC) at 14 113 t.

This stock had been under moratorium since 1999 and was re-opened in 2010. During the deliberation on this stock, Fisheries Commission highlighted the need for precaution when managing newly reopened stocks. In this regard, FC requested SC to provide at this meeting further clarification of the scientific advice on this stock (see item 8.6 and Annex 4).

###### 12.2 Shrimp in Division 3M

It was **agreed** that the fishing moratorium continues. When the scientific advice estimates that the stock shows sign of recovery, the fishery shall be re-opened in accordance with the effort allocation key in place for this fishery at the time of the closure.

Iceland expressed that notwithstanding the closure in 2013, it maintains its position against an effort allocation scheme which is applied to this stock.

### **13. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2013**

#### **13.1 Redfish in Divisions 3LN**

It was **agreed** to set the TAC at 6 500 t.

This stock had been under moratorium since 1998 and was re-opened in 2010. During the deliberation on this stock, Fisheries Commission highlighted the need for precaution when managing newly reopened stocks. In this regard, FC requested SC to provide at this meeting further clarification of the scientific advice on this stock (see item 8.6 and Annex 4).

#### **13.2 Redfish in Divisions 3O**

It was **agreed** to set the TAC at 20 000 t, the same as in 2012.

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

It was **agreed** that the fishing moratorium on this stock continues in accordance with the most recent NEAFC decision adopted subsequently by NAFO and bearing in mind footnote 10 of the quota table.

Norway reiterated the Scientific Council's recognition of the ICES advice for oceanic pelagic redfish and in particular to the recommendation relating to shallow pelagic redfish. It recalled that ICES had advised that no directed fishery should be conducted on this stock, and that bycatches in non-directed fisheries should be kept as low as possible since the stock is at a very low state.

The Russian Federation maintained its position that there is a single stock of pelagic *Sebastes mentella* in the Irminger Sea and adjacent waters, including the NAFO Convention Area, and expressed its intention to pursue studies into the population structure of pelagic reddish in the Irminger Sea and adjacent waters until agreed recommendations on the stock structure of this species are accepted within the ICES community.

There were different views among Contracting Parties as to how existing management measures for this stock should best be adapted in light of the fact that the relevant Coastal States and NEAFC are endeavoring to develop appropriate management measures for oceanic redfish which is shared by NAFO. While some Contracting Parties were of the opinion that NAFO decisions on this stock should be considered contingent to the NEAFC decision, other Contracting Parties were of the opinion that management measures applied to this stock should be considered as independent NAFO decisions.

#### **13.4 American plaice in Divisions 3LNO**

It was **agreed** that the moratorium continues.

It was also noted that the Fisheries Commission had decided in 2011 for the moratorium until 2013. However, the Fisheries Commission requested the Scientific Council for a full assessment of this stock. The decision to continue the moratorium is based on the advice of the Scientific Council. This stock is currently under CPRS.

#### **13.5 Yellowtail flounder in Divisions 3LNO**

It was **agreed** to set the TAC at 17 000 t, the same as in 2012.

#### **13.6 Witch Flounder in Divisions 3NO**

It was **agreed** that the moratorium continues.

It was also noted that the Fisheries Commission had decided a 1-year measure of a moratorium in 2012 as it was decided to revisit this stock at this Meeting. This stock is considered a candidate to be under CPRS (see item 11).

#### **13.7 White hake in Divisions 3NO**

It was **agreed** to set the TAC of 1 000 t.

Footnote 27 of the quota table was **inserted** to account for the possibility of increasing the TAC should the catch rates indicate higher availability levels of the stock (Annex 10).

#### **13.8 Thorny skate in Divisions 3LNO**

It was **agreed** to set the TAC at 7 000 t, applicable in years 2013 and 2014.

### **13.9 Greenland halibut in Subarea 2 and Divisions 3KLMNO**

Consistent with the Management Strategy Evaluation (MSE) approach, it was **agreed** to set the TAC at 15 510 t (11 493 t in Divisions 3LMNO).

### **13.10 Shrimp in Division 3LNO**

It was **agreed** to set the TAC at 8 600 t. Fishing is confined in Division 3L.

The reservation of Denmark (in respect of the Faroe Islands and Greenland) to the quota allocation scheme was noted.

Article 9.8 of the NCEM, which stipulated that Canadian allocation for this stock shall be fished within the Canadian zone, was **deleted** (Annex 11).

### **13.11 Northern shortfin squid in Subareas 3+4**

The current measure (decided in 2010) is 34 000 TAC applicable until at least 2013. The Fisheries Commission considered rescheduling the inclusion of this stock in the formulation of the FC request to synchronize it with the Scientific Council's schedule for full assessment.

## **14. Other Matters pertaining to Conservation of Fish Stocks**

Ukraine gave the following statement, which it requested be included in the meeting report:

“Having taken into account the report at the Scientific Council Meeting Ukraine gave grounds for the fact that vessels with the registration ports in the territory of Ukraine did carry out traditional fishing scientific research in the Regulatory area. From 1 to 25 Ukrainian vessels of 660 to 5000 GRT carried out their annual fishery in Northwestern Atlantic (NWA). Annual catch of these vessels floated between 28.0-132.4 thousand tons. It accounted for from 2 % to 12 % of USSR catch in NWA.

The information has been accepted by NAFO member-states.

Proceeding from the aforementioned and on the analysis of quota underutilization having been allocated to some member-states, taking into consideration the importance of fisheries for the economical and social development of Ukraine and bearing in mind increased TAC for 3M Cod and TAC for 3 LN Redfish Ukraine applied to the Fisheries Commission with the proposal on the Ukrainian quota for 2013 (400 t on each resource mentioned). Ukraine being one of the former USSR members noted that it is equally entitled to the quota portion of USSR as the other USSR members do.

As the consensus on this question has not been built Ukraine reserved the right for “objection procedure”.

In addition, basing on the Ukraine's historical experience of fishing in the Northwestern Atlantic, Ukraine insisted on placing an item of the former USSR quota allocation amongst post-Soviet states (NAFO member-states) to the Agenda for the 35th Annual Meeting of the Fisheries Commission. With the purpose of thorough preparation for the question consideration at the 35th session of the Commission it has been decided to conduct bilateral consultations and the exchange of the relevant information between Ukraine and Russia during the intersessional period.”

The Russian Federation expressed disagreement to Ukraine's statement, citing that issues related to the allocation of block quotas in the NRA between the Russian Federation and the Baltic countries were considered at meetings of the Fisheries Commission Working Groups since 1995, and that the final decision on quota allocation was reached by those countries on June 10, 2003. The reports of those meetings were adopted by FC during the Annual Meeting in 2003. The Russian Federation did not plan any negotiations with Ukraine on this issue in the intersessional period

## **V. Ecosystem Considerations (*Agenda items 15-17*)**

### **15. Report and Recommendations of the FC Working Group of Fishery Managers and Scientists on VMEs (WGFMS-VME)**

The Chair of the WGFMS-VME Bill Brodie (Canada) presented the recommendations of the working group which met in September 2012 in Bergen, Norway for adoption and consideration (Annex 12). The recommendations concern: 1) List of VME indicator species and elements, 2) Assessment of bottom fishing activities, 3) Exploratory Fishing, 4) Thresholds, and 5) Modification of the Terms of Reference of this working group.

The Fisheries Commission **adopted** all recommendations.

Regarding Recommendations 1–3, the provisions in Chapter II of the NCEM and their associated annexes would be revised accordingly.

Regarding the recommendation on thresholds, Article 20.3 would be revised to reflect the new values of encounter thresholds (Annex 13). The working group was also instructed to convene as soon as possible after the June 2013 Scientific Council meeting to further consider possible amendments to the closed areas and evaluate the conservation effect of applying thresholds and move-on rules.

Regarding the recommendation on the new Terms of Reference, the Fisheries Commission **adopted** the proposal for a joint FC-SC WG on Ecosystem Approach Framework to Fisheries Management (Annex 14). The Fisheries Commission shall invite the Chair of the Scientific Council and the Chairs of this working group and of the SC WG on an Ecosystem Approach to Fisheries Management to have an intersessional meeting to develop a draft Term of Reference and a workplan for a joint FC-SC working group that would focus on the development and implementation of ecosystem approaches to fisheries management. The terms of reference and workplan would be considered by both the Scientific Council and the Fisheries Commission at the 2013 Annual Meeting.

#### **16. Review of the decision to delete Article 15.6 of the 2011 NCEM**

Article 15.6 of the 2011 NCEM was a provision that considers the possibility of providing access to a small scale and restricted exploratory fishery in the closed seamounts. With the review of the WGFMS-VME of the Chapter II provisions (see item 15) and the subsequent adoption of its recommendations, it was confirmed that this article be deleted.

#### **17. Other Matters pertaining to Ecosystem Considerations**

The EU brought forward the proposal Resolution on the Sargasso Sea. It resolves to take into account the available information about Sargasso Sea and consider management measures to protect the ecosystem. Some Contracting Parties indicated it is premature to reflect on and adopt the resolution considering that the Convention of Biological Diversity (CBD) has not approved yet the proposal from its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) of considering Sargasso Sea as an Ecologically or Biologically Significant Marine Area (EBSA). The proposed resolution was not adopted at this meeting.

The proposal for a *Resolution on the protection of Vulnerable Marine Ecosystems from activities other than fishing* was **adopted** (Annex 15). The resolution urges other international organizations dealing with at-sea human activities and maritime affairs other than fishing to consider, in accordance with their mandate, taking mitigation measures in areas beyond national jurisdictions to reduce the risk of negative impacts of these activities in the closed areas.

### **VI. Conservation and Enforcement Measures (Agenda items 18-20)**

#### **18. Review of Chartering Arrangements**

A report on chartering arrangements was presented by the Secretariat (FC WP 12/3). There were four (4) charter arrangements made during 2011 and three (3) during January - September 2012. The Secretariat noted full compliance with all the chartering requirements stipulated in Article 23 of the NCEM.

#### **19. Reports of STACTIC (from May 2012 intersessional meeting and current Annual Meeting) and Recommendations**

The May 2012 intersessional meeting report was presented under item 5. The STACTIC Chair presented the results of the STACTIC meeting (see Part II of this Report) and forwarded the following recommendations to the Fisheries Commission:

- a) *Definition of mid-water trawl* (STACTIC WP 12/4 Rev.3, Annex 16)
- b) *Catch recording in logbooks (Tow by tow/Set by set)* (STACTIC WP 12/16 Rev.3, Annex 17)
- c) *“Cancel” report in the VMS* (STACTIC WP 12/20, Annex 18)
- d) *Error codes for duplicated reports/messages in the VMS* (STACTIC WP 12/21 Rev, Annex 19)
- e) *Annual Compliance Review 2012, for fishing year 2011* (STACTIC WP 12/28 Rev., Annex 20)

- f) *Vessel Requirements – modification of Article 22 of the NCEM* (STACTIC WP 12/31 Rev2, Annex 21)
- g) *Lost or abandoned Gear* (STACTIC WP 12/33 Rev2, Annex 22)
- h) *Amendment to NCEM Annex IV.B – Surveillance Report Form* (STACTIC WP 12/34 Rev. 1, Annex 23)
- i) *Product Labelling* (STACTIC WP 12/35 Rev.3, Annex 24)
- j) *Closure of 3M Redfish Fisheries* (STACTIC WP 12/37 Rev.3)
- k) *Conversion Factors* (STACTIC WP 12/39 Rev3, Annex 25)
- l) *Observer Program Data and Reporting Requirements* (STACTIC WP 12/41 Rev, Annex 26)

In addition, a proposal which did not garner consensus in STACTIC was forwarded for further deliberation and consideration at the Fisheries Commission:

- m) *Amendment to Article 5.2 of the NCEM* (STACTIC WP 12/22, Revised).

The Fisheries Commission **adopted** items a) –d) and f) – i); **accepted** item e); and **approved** items k) - l).

Regarding Recommendation j), it was accepted but it was agreed the text to be used would be in the form of an FC proposal rather than a proposal by STACTIC. The new FC proposal, as contained in FC WP 12/31 Rev. was **adopted** (Annex 27). The proposal concerns 3M redfish closure and the amendment of Article 5.2 and footnotes 8 and 19 of the quota table.

Recommendation m) was a proposal which concerns the retention of by-catch after the closure of the fishery. The proposal did not garner consensus in FC.

## 20. Other Matters pertaining to Conservation and Enforcement Measures

The Fisheries Commission **amended** Article 26.10 (d) of the NCEM, making the VMS data more easily accessible to the Scientific Council and other NAFO constituent bodies (Annex 28). It was noted that this amendment addresses the PRP recommendation # 7 (see Annex 3 of GC Doc 12/1).

The EU brought forward the Proposal for a *Conservation Measure to Ensure the Compatibility of Measures adopted for the conservation and management of straddling stocks within the Convention Area*. The proposal entails that the Fisheries Commission shall examine the compatibility of the Coastal States' measures with the existing conservation and management measures adopted under NAFO Convention. Some Contracting Parties expressed their reservation on the proposal and that further consultations from their respective governments would be required. The proposed resolution was not adopted at this meeting.

## VII. Closing Procedure (*Agenda items 21-24*)

### 21. Election of Chair

Temur Tairov (Russian Federation) was elected Vice Chair.

### 22. Time and Place of the Next Meeting

This item was deferred to the General Council. At the GC closing session, it was noted that the 35<sup>th</sup> Annual Meeting would be held in the Halifax-Dartmouth area, Canada, 23-27 September 2013.

### 23. Other Business

No other business was discussed.

### 24. Adjournment

The meeting was adjourned at 1200 hrs on Friday, 21 September 2012.

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## Annex 2. Record of Decisions and Actions by the Fisheries Commission (Annual Meeting 2012)

Substantive Issues (Agenda item):	Decision/Action:
8. Presentation of scientific advice by the Chair of the Scientific Council	<b>Noted</b> Scientific Council Chair's presentation of the scientific advice and the SC Meeting Reports that contained the scientific advice (SCS Doc. 12/19 and 12/20).
9. Quinquennial Review of the Environmental Conditions in the Northwestern Atlantic	<b>Noted</b> STACFEN Chair's presentation of the review of environmental conditions (Appendix I of SCS Doc 12/19).
10. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2014 and on other matters	<b>Adopted</b> an updated framework for the presentation of Scientific Advice based on risk (FC WP 12/27). <b>Adopted</b> the FC Request to the SC for scientific advice (FC WP 12/21 Rev2). <b>Adopted</b> a new process in developing questions and formulating requests to the Scientific Council (FC WP 12/16 Rev).
11. Report and Recommendations of the FC Working Group of Fishery Managers and Scientists on Conservation Plans and Rebuilding Strategies (WGFMS-CPRS)	<b>Noted</b> the WG Meeting Report of September 2012 (FC Doc 12/5). <b>Adopted</b> the recommendation regarding the priorities of the CPRS work: development of general CPRS framework, on-going CPRS development for 3LNO American plaice and 3NO cod, continued efforts to develop CPRS for other stocks including 3NO witch flounder, and initial CPRS development for both 3LN redfish and 3M Cod. <b>Endorsed</b> the following work items for the next WG Meeting: elaboration of general framework including management objectives and performance statistics, and development of alternate strategies for stocks that may not be suited to formulaic rules or for stocks where reference points do not exist or cannot be developed. <b>Requested</b> the Scientific Council to: develop Limit Reference Points for 3NO witch flounder, and continue its research on the 3NO cod productivity. <b>Adopted</b> a proposal for a joint FC-SC WG on CPRS (FC WP 12/30).
12. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2013	(see 2013 Quota Table)
12.1 Cod in Division 3M	<b>Set</b> the TAC at 14 113 t.
12.2 Shrimp in Division 3M	<b>Agreed</b> that fishing moratorium shall continue in 2013.
13. Management of Technical Measures for Fish Stocks Straddling National Fishing Limits, 2013	(see 2013 Quota Table)
13.1 Redfish in Divisions 3LN	<b>Set</b> the TAC at 6 500 t.
13.2 Redfish in Divisions 3O	<b>Set</b> the TAC at 20 000 t, same level as in 2012.
13.3 Pelagic <i>Sebastes mentella</i> (oceanic redfish) in the NAFO Convention Area	<b>Agreed</b> that fishing moratorium shall continue in 2013.
13.4 American plaice in Divisions 3LNO	<b>Agreed</b> that fishing moratorium shall continue in 2013.
13.5 Yellowtail flounder in Divisions 3LNO	<b>Set</b> the TAC at 17 000 t, same level as in 2012.
13.6 Witch flounder in Divisions 3NO	<b>Agreed</b> that fishing moratorium shall continue in 2013.

13.7 White hake in Divisions 3NO	<p><b>Set</b> the TAC at 1 000 t.</p> <p><b>Inserted</b> Footnote 27 in the Quota Table to account for the possibility of increasing the TAC should the catch rates indicate higher availability levels of the stock (FC WP 12/33).</p>
13.8 Thorny skate in Divisions 3LNO	<p><b>Set</b> the TAC at 7 000 t, applicable in years 2013 and 2014.</p>
13.9 Greenland halibut in Subarea 2 and Divisions 3KLMNO	<p><b>Set</b> the TAC at 15 510 t (11 493 t in Divisions 3LMNO).</p>
13.10 Shrimp in Division 3LNO	<p><b>Set</b> the TAC at 8 600 t.</p> <p><b>Deleted</b> Article 9.8 of the 2012 NCEM (FC WP 12/36).</p>
15. Report and Recommendations of the FC Working Group of Fishery Managers and Scientists on VMEs (WGFMS-VME)	<p><b>Adopted</b> the list of indicator species and elements in conjunction with Article 15 of the NCEM (Annex 1 of FC WP 12/6)</p> <p><b>Revised</b> the provisions relating to Exploratory Fishing in Chapter II of the NCEM (Annex 2 of the FC WP 12/6).</p> <p><b>Revised</b> Annex I.E.V of the NCEM – Assessment of Bottom Fishing Activities (Annex 3 of FC WP 12/6).</p> <p><b>Adopted</b> new encounter threshold values for seapens, corals, and sponges and revised Article 20.3 of the NCEM to reflect the new values (FC WP 12/37).</p> <p><b>Adopted</b> a proposal for a joint FC-SC WG on Ecosystem Approach Framework to Fisheries Management (FC WP 12/29).</p> <p><b>Instructed</b> the WG to convene after the June 2013 SC meeting to further consider possible amendments to the closed areas and evaluate the conservation effect of applying thresholds and move-on rules (FC WP 12/37).</p>
17. Other Matters pertaining to Ecosystem Considerations	<p><b>Adopted</b> the <i>Resolution on the protection of Vulnerable Marine Ecosystems from activities other than fishing</i> (FC WP 12/13, Revised).</p>
19. Reports of STACTIC (from May 2012 intersessional meeting and current Annual Meeting) and Recommendations	<p><b>Noted</b> the STACTIC May 2012 Intersessional Meeting Report and the current meeting report (see Part II of this Report).</p> <p><b>Adopted</b> <i>Definition of mid-water trawl</i> (STACTIC WP 12/4 Rev.3).</p> <p><b>Adopted</b> <i>Catch recording in logbooks (Tow by tow/Set by set)</i> (STACTIC WP 12/16 Rev.3).</p> <p><b>Adopted</b> “Cancel” report in the VMS (STACTIC WP 12/20).</p> <p><b>Adopted</b> <i>Error codes for duplicated reports/messages in the VMS</i> (STACTIC WP 12/21, Revised).</p> <p><b>Accepted</b> <i>Annual Compliance Review 2012, for fishing year 2011</i> (STACTIC WP 12/28 Rev).</p> <p><b>Adopted</b> <i>Vessel Requirements – modification of Article 22 of the NCEM</i> (STACTIC WP 12/31 Rev.2).</p> <p><b>Adopted</b> <i>Lost or abandoned Gear</i> (STACTIC WP 12/33 Rev 2).</p> <p><b>Adopted</b> <i>Amendment to NCEM Annex IV.B – Surveillance Report Form</i> (STACTIC WP 12/34 Rev).</p> <p><b>Adopted</b> <i>Product Labelling</i> (STACTIC WP 12/35 Rev.3).</p> <p><b>Approved</b> <i>Conversion Factors</i> (STACTIC WP 12/39 Rev.3).</p> <p><b>Approved</b> <i>Observer Program Data and Reporting Requirements</i> (STACTIC WP 12/41 Rev).</p>

	<b>Adopted</b> a proposal regarding 3M redfish closure and <b>amended</b> Article 5.2 and Footnotes 8 and 19 of the Quota Table (FC WP 12/31 Rev).
20. Other Matters pertaining to Conservation and Enforcement Measures	<b>Amended</b> Article 26.10 (d) of the NCEM, making the VMS data more easily accessible to the Scientific Council and other NAFO constituent bodies (FC WP 12/15).
21. Election of Vice Chair	Elected Temur Tairov (Russian Federation) as the Vice Chair of the Fisheries Commission.

### **Annex 3. Agenda**

#### **I. Opening Procedures**

1. Opening by the Chair, Sylvie Lapointe (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Commission Membership
5. Guidance to STACTIC necessary for them to complete their work

#### **II. Performance Review Panel Recommendations**

6. Recommendations addressed to the Fisheries Commission and its subsidiary body of STACTIC
7. Recommendations addressed to more than one NAFO Body including the Fisheries Commission

#### **III. Scientific Advice**

8. Presentation of scientific advice by the Chair of the Scientific Council
  - 8.1 Scientific advice on fish stocks
  - 8.2 Conservation Plans and Rebuilding Strategies (CPRS)
  - 8.3 Greenland halibut Management Strategy Evaluation (MSE)
  - 8.4 Vulnerable Marine Ecosystems (VME)
  - 8.5 Other issues (as determined by the Chair of the Scientific Council)
  - 8.6 Feedback to the SC regarding the advice and its work during this Meeting
9. Quinquennial Review of Environmental Conditions in the Northwestern Atlantic
10. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2014 and on other matters

#### **IV. Conservation of Fish Stocks in the Regulatory Area**

11. Report of the Working Group of Fishery Managers and Scientists on Conservation Plans and Rebuilding Strategies (WGFMS-CPRS)
12. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2013
  - 12.1 Cod in Division 3M
  - 12.2 Shrimp in Division 3M
13. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2013
  - 13.1 Redfish in Div. 3LN
  - 13.2 Redfish in Div. 3O
  - 13.3 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area
  - 13.4 American plaice in Div. 3LNO
  - 13.5 Yellowtail flounder in Div. 3LNO
  - 13.6 Witch Flounder in Div. 3NO
  - 13.7 White hake in Div. 3NO
  - 13.8 Thorny skate in Div. 3LNO
  - 13.9 Greenland halibut in Subarea 2 and Div. 3KLMNO

13.10 Shrimp in Div. 3LNO

13.11 Northern Shortfin squid in Subareas 3+4

14. Other matters pertaining to Conservation of Fish Stocks

#### **V. Ecosystem Considerations**

15. Report of the Working Group of Fishery Managers and Scientists on VMEs (WGFMS-VME)

16. Review of the decision to delete Article 15.6 of the 2011 NCEM

17. Other matters pertaining to Ecosystem Considerations

#### **VI. Conservation and Enforcement Measures**

18. Review of Chartering Arrangements

19. Reports of STACTIC (from May 2012 intersessional meeting and this Annual Meeting)

20. Other matters pertaining to Conservation and Enforcement Measures

#### **VII. Closing Procedures**

21. Election of Vice-Chair

22. Time and Place of Next Meeting

23. Other Business

24. Adjournment

## **Annex 4. Scientific Council Responses to Questions from the Fisheries Commission** (FC Working Paper 12/12, Revised)

### **1. 3M cod**

*Scientific Council noted that the 3M cod Spawning Stock Biomass (SSB) has increased to the highest value of the time series and is now well above Blim. What is the risk of decline in spawning stock biomass to values below Blim in the next two years if fishing mortality is at the level of Fmax in 2013?*

SC responded: Based on the current assessment results, the risk of the stock going below Blim by the end of 2013 while fishing at  $F=0.135$  (equal to the 2012 estimate of  $F_{max}$ ) is less than 0.1%.

### **2. 3LN redfish and 3LNO shrimp**

*The fishing mortality of 3LN redfish is at historical low levels and biomass is at high levels and well above Blim. The Scientific Council advises that the fishing mortality should be maintained around current levels and that increases should be taken with caution. The Fisheries Commission requests the Scientific Council to provide information on:*

*1) What levels of increase would be considered as cautious by the SC? Could a TAC increase of 15% or 25% be considered as cautious?*

*2) Noting the biological interaction between redfish, cod and shrimp in the Flemish Cap and that such interactions are likely to occur in the Grand Banks, what would be the level of improvement of the 3LNO shrimp stock expected by increasing the harvesting of redfish? By lowering the natural mortality over the 3LNO shrimp stock, could it be expected that sustainable harvesting levels of shrimp would be higher than in previous years?*

SC responded:

1) SC is at the moment not able to quantify the level of “cautiousness” related to the various TAC increases. This is a newly opened fishery and the information available in the data regarding stock response to exploitation in combination with the limitations in the current modeling framework used does not allow this.

2) The available diet information for the Newfoundland shelf and Grand Bank indicates that shrimp is an important prey for redfish, but it is also an important prey for other groundfish species like cod, American plaice, and Greenland halibut. The Grand Bank has a more complex food web structure than the Flemish Cap, so predicting the outcome of a reduction of redfish on shrimp, even in a semi-quantitative manner, is not possible at this time. A reduction of predation mortality from just one of these predators may not necessarily have detectable effects on the shrimp stock. Work towards developing multispecies models to explore these issues is one of the components of the SC Roadmap to EAF.

### **3. Thorny skate**

*The scientific council indicated that Canadian spring surveys that cover the NRA show an increasing trend of thorny skate since 1997 and that the autumn surveys are stable. In spite of the increase, survey indices are low compared to historical levels of the 1980s. On the other hand, the index of fishing mortality has been low since 2005 and recruitment index is 50% above average in the last two years. There is no analytical assessment for this stock.*

*1) Considering the low exploitation rates, has the scientific council identified other sources of mortality besides fishing, which could be driving the dynamics of this stock?*

SC responded: no specific causes of natural mortality have been identified for this stock.

*2) The high survey values in the 1980s and the lower indices since 1997 were obtained with a distinct survey method (Engel and Campelen). Could this different method be influencing the perception of stock size throughout the whole time series?*

SC responded: The biomass index of Div. 3LNO thorny skate showed a large decline from the mid 1980s to the mid 1990s. This decline in population size occurred prior to the change in survey gear which occurred in fall 1995 at the low point in stock size. There has been some increase since that time but the stock remains at a low level. The change in survey gear is not considered a factor in the perception of stock status.

### **4. 3NO witch**

*Does SC have information on the by-catch of 3NO witch in the yellowtail fishery, and if so does it consider this level of by-catch to be harmful to the recovery of the 3NO witch stock?*

SC responded: The by-catch of 3NO witch in the Canadian yellowtail fishery ranged from 11 to 40 tons/year from 2007-2011 (SCS 12/19, page 28). Over this period, this represents on average, about 8.9% of the total annual estimated by-catch of 3NO witch. SC does not have estimates of fishing mortality for 3NO witch, but considers it unlikely that catches of that magnitude would have a major impact on the recovery of the resource

#### **5. 3NO cod**

*What is the basis of different survey trends apparent in Div. 3NO cod between Canadian and EU surveys and what are the implications for the view of status of the stock?*

SC responded: Div. 3NO Canadian spring and autumn surveys cover most of the total distribution of the stock while the Div. 3NO EU-Spain survey is only outside off the Canadian EEZ (in the NAFO Regulatory Area) and covers only a smaller part of stock distribution.

The EU-Spain survey series is poorly fitted by the assessment model used and is not included in the actual assessment of the stock.

## **Annex 5. Proposal for the updated framework for the presentations of Scientific Advice based on risk**

(FC Working Paper 12/27 now FC Doc. 12/25)

The NAFO Contracting Parties:

Mindful of the NAFO Performance Assessment Review, in particular the recommendation to enhance the application of risk-based assessment approaches when evaluating management strategies;

Recalling the 2011 Plan of Action developed by the General Council Working Group for the Implementation of the Recommendation of the NAFO Performance Review Panel;

Acting upon the Recommendation number 25 of the aforementioned Plan of Action;

Noting the distinct separation of competencies between the Scientific Council and the Fisheries Commission;

Noting the usefulness and importance of the presentation of scientific advice in a tabled risk based approach to managers in order to enable them to take well informed decisions based on best available science;

Request the Scientific Council to present the Scientific Advice for the stocks assessed in 2013 and after following the guidelines indicated as Annex A and B below. These guidelines should replace the current Annex 1 of the Fisheries Commission request for scientific advice.

These guidelines shall be reviewed and adjusted as appropriate based on the experience of its application at the latest in 2016.

### **ANNEX A: Guidance for providing advice on Stocks Assessed with an Analytical Model**

The Fisheries Commission 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:

1. For stocks assessed with a production model, the advice should include updated time series of:

- Catch and TAC of recent years
- Relative Biomass
- Relative Fishing mortality
- Stock trajectory against reference points
- And any information the Scientific Council deems appropriate.

Stochastic short-term projections (3 years) should be performed under the following conditions:

- For stocks opened to direct fishing:
  - Projections based on constant fishing mortality at:  $2/3 F_{MSY}$ ,  $3/4 F_{MSY}$ ,  $85\% F_{MSY}$ ,  $F_{SQ}$  (*status quo*);
  - Projections based on constant yield at: Current TAC and relevant percentage above and/or below the current TAC;
- For stocks under a moratorium to direct fishing:  $F_{SQ}$ ,  $F = 0$ .

Results from stochastic short term projection should include:

- The 10%, 50% and 90% percentiles of the yield and total biomass;
- The risks of stock population parameters increasing above or falling below available biomass and fishing mortality reference points. The table indicated below should guide the Scientific Council in presenting the short term projections.

			Limit reference points													
			F<Flim			B>Blim			F<Fmsy			B>Bmsy			By+2 > By-2**	
Constant fishing mortality levels or yield as indicated above**	Yield in y*	Yield in y+1	Yield in y+2													
	(50%)	(50%)	(50%)	y	y+1	y+2										
F or Yield Options	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%

\*y = First year of the projections

\*\* y-2 = Last year of the stock assessment

The Scientific Council might consider other projections options.

2. For stock assessed with an age-structured model, information should be provided on stock size, spawning stock sizes, recruitment prospects, historical fishing mortality. Graphs and/or tables should be provided for all of the following for the longest time-period possible:

- Catch and TAC of recent years
- historical yield and fishing mortality;
- spawning stock biomass and recruitment levels;
- Stock trajectory against reference points

And any information the Scientific Council deems appropriate

Stochastic short-term projections (3 years) should be performed with the following constant fishing mortality levels:

- For stocks opened to direct fishing:
  - Projections based on constant fishing mortality at:  $F_{0.1}$ ,  $F_{MAX}$ ,  $F_{MSY}$ ,  $F_{SQ}$ ;
  - Projections based on constant yield at: Current TAC and relevant percentage above and/or below the current TAC;
- For stocks under a moratorium to direct fishing:  $F_{SQ}$ ,  $F = 0$ .

Results from stochastic short term projection should include:

- The 10%, 50% and 90% percentiles of the yield, total biomass, spawning stock biomass and exploitable biomass for each year of the projections
- The risks of stock population parameters increasing above or falling below available biomass and fishing mortality reference points. The table indicated below should guide the Scientific Council in presenting the short term projections.

			Limit reference points													
			F<Flim			B>Blim			F<F0.1			F<Fmax			By+2 > By-2	
Constant fishing mortality levels or yield as indicated above**	Yield in y*	Yield in y+1	Yield in y+2													
				y	y+1	y+2										
F or Yield Options	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%

\*y = First year of the projections

\*\* y-2 = Last year of the stock assessment

The Scientific Council might consider other projections options.

**ANNEX B: Guidance for providing advice on Stocks Assessed without a Population Model**

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.

The following graphs should be presented, for one or several surveys, for the longest time-period possible:

- a) time trends of survey abundance estimates
- b) an age or size range chosen to represent the spawning population
- c) an age or size-range chosen to represent the exploited population
- d) recruitment proxy or index for an age or size-range chosen to represent the recruiting population.
- e) fishing mortality proxy, such as the ratio of reported commercial catches to a measure of the exploited population.
- f) Stock trajectory against reference points

And any information the Scientific Council deems appropriate

## Annex 6. Fisheries Commission’s Request for Scientific Advice on Management Options in 2014 and Beyond of Certain Stocks in Subareas 2, 3 and 4 and Other Matters

(FC Working Paper 12/21, Revision 2 now FC Doc. 12/24)

1. The Fisheries Commission with the concurrence of the Coastal State as regards to the stocks below which occur within its jurisdiction (“Fisheries Commission”) requests that the Scientific Council provide advice in advance of the 2013 Annual Meeting, for the management of Northern shrimp in Div. 3M, 3LNO in 2014. The advice should be provided as a range of management options and a risk analysis for each option (rather than a single TAC recommendation) in accordance to Annex A or B as appropriate.
2. Fisheries Commission requests that the Scientific Council provide advice for the management of the fish stocks below according to the assessment frequency presented below. The advice should be provided as a range of management options and a risk analysis for each option (rather than a single TAC recommendation).

### Two year basis

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

### Three year basis

American plaice in Div. 3M  
 Cod in Div. 3NO  
 Northern shortfin squid in SA 3+4  
 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 2013, advice should be provided for 2014 and 2015 for Capelin in Div. 3NO, Cod in Div. 3M, Redfish in Div. 3M, White hake in Div. 3NO and Yellowtail flounder in Div. 3LNO and for 2014, 2015 and 2016, Cod in Div. 3NO, Northern shortfin squid in SA 3+4, Redfish in Div. 3O and Witch Flounder in div. 2J+3KL.

Advice should be provided using the guidance provided in Annexes A or B as appropriate.

The Fisheries Commission also 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 bycatches in other fisheries, provide updated advice as appropriate.

3. The Fisheries Commission adopted in 2010 an MSE approach for Greenland halibut stock in Subarea 2 + Division 3KLMNO (FC Working Paper 10/7). This approach considers a survey based harvest control rule (HCR) to set a TAC for this stock on an annual basis. The Fisheries Commission requests the Scientific Council to:
  - a) Monitor and update the survey slope and to compute the TAC according to HCR adopted by the Fisheries Commission according to Annex 1 of FC Working Paper 10/7.
  - b) Advise on whether or not an exceptional circumstance is occurring.
4. With respect to Northern shrimp (*Pandalus borealis*) in Div. 3LNO, noting the NAFO Framework for Precautionary Approach and recognizing the desire to demonstrate NAFO’s commitment to applying the precautionary approach, Fisheries Commission requests the Scientific Council to:
  - a) identify  $F_{msy}$
  - b) identify  $B_{msy}$
  - c) provide advice on the appropriate selection of an upper reference point for biomass (e.g.  $B_{buf}$ )
5. Fisheries Commission requests the Scientific Council to examine the consequences resulting from a decrease in mesh size in the mid-water trawl fishery for redfish in Div. 3LN to 90mm or lower.
6. The Fisheries Commission requests the Scientific Council to provide  $B_{msy}$  and  $F_{msy}$  for cod in Div. 3M.

7. Recognizing the work accomplished by the Scientific Council in 2012 on sea pens and sponges, Fisheries Commission requests the Scientific Council to complete request 17 of 2011 by making recommendations for encounter thresholds and move on rules for small gorgonian corals, large gorgonian corals, sea squirts, erect bryozoans, crinoids and cerianthid anemone which are VME indicator species that meet the FAO Guidelines for VME and SAI. Consider thresholds for 1) inside the fishing footprint and outside of the closed areas and 2) outside the fishing footprint in the NRA, and 3) for the exploratory fishing area of seamounts if applicable. In the case of sea pens and sponges make recommendations for encounter thresholds and move on rules for the exploratory fishing area of seamounts.
8. In the medium term, the Fisheries Commission requests the Scientific Council to continue research on the productivity of 3NO Cod and define MSY reference points.
9. With regards to witch flounder in Div. 3NO, the Fisheries Commission requests the Scientific Council to provide reference points or proxies, including Blim.
10. The Fisheries Commission requests the Scientific Council to use Annex 1.E.V of the NCEM to guide development of their workplan related to reassessment of fishing activity with respect to Significant Adverse Impact (SAI) on VME and would note that this assessment is a single component of the broader EAF Roadmap being developed separately by SC.
11. With regards to witch flounder in Div. 3NO, the Fisheries Commission requests the Scientific Council to provide estimates for exploitable biomass and for spawning stock biomass, or appropriate proxies, as well as smoothing, as appropriate.
12. With regards to stocks without reference points and that cannot be developed, the Fisheries Commission requests the Scientific Council to provide advice on:
  - a) considerations for reopening stocks under moratorium.
  - b) what would constitute a sustainable harvest rate for healthy stocks.
13. Report on the progress of the “Roadmap for developing an Ecosystem Approach to Fisheries for NAFO” regarding:
  - a) The general progress of the Roadmap;
  - b) Further developments on the stock interactions studies between cod, redfish and shrimp in the Flemish Cap by applying multi species models and by quantifying potential yield and biomass tradeoffs with different fishing mortalities in the multispecies context. The predation of cod over cod juveniles should be taken into account;
  - c) Developments on stock interaction studies for the Grand Banks (NAFO Divisions 3KL and 3NO). The spatial overlap between these stocks should be considered.

These developments should be considered as exploratory and be part of the progress on the “Roadmap for developing an Ecosystem Approach to Fisheries for NAFO”.
14. The Scientific Advice for 3LNO shrimp is based on the assessment of fishable biomass and the trends of exploitation rates. The basic assumption is that exploitation levels are driving the dynamic of this stock. However, interactions between stocks-are likely to occur and may substantially contribute to the total mortality of shrimp.
 

The Fisheries Commission requests the scientific council to incorporate as much as possible information on stock interaction between these stocks in the management advice of 3LNO shrimp and to provide sustainable exploitation rates on that basis.
15. The Fisheries Commission requests the Scientific Council to comment and advise on whether the Sargasso Sea provides forage area or habitat for living marine resources that could be impacted by different types of fishing; and on whether there is a need for any management measure including a closure to protect this ecosystem. The polygon to be considered is the following: -46.844711060999884 35.722427393000203, -46.32415425899984 35.369106151000096, -45.844178761598414 35.0, -62.202511155429988 35.0, -62.632567558331232 35.258234148636177, -63.272355558926961 35.512762148873321, -63.959640559567163 35.669259149019013, -64.673394560231941 35.722388149068536, -65.385178560894815 35.670316149019982, -66.072834561535274 35.514837148875188, -66.875051562282238 35.198759148580848, -67.211147449541443 35.0, -71.448964644661828 35.0, -71.377610283999786 35.483190472000047, -70.697710570999789 35.847831353000117, -69.78132949999856

36.285738255000183,-68.818622663999804 36.688934769000298,-67.810633268999936  
 37.057011529000135,-66.767771029999835 37.386320105000095,-65.000031260999833  
 37.838698970000223,-63.160524424999892 38.183166102000087,-61.276399190999882  
 38.41419272700017,-59.376124598999866 38.528701613000123,-57.575810995999859  
 38.528867480000258,-55.796226233999846 38.422925564000195,-54.062624079999807  
 38.211871163000239,-52.399638263999805 37.898770146000288,-50.826090381999791  
 37.487278854000067,-49.360484950999876 36.981801336000103,-48.028343332999839  
 36.39115303900013,-46.844711060999884 35.722427393000203

16. Assessment of risk of significant adverse impacts on VME indicator aggregations and VME elements in the NAFO RA

Fishing effort is not uniformly distributed throughout the NAFO Regulatory Area (NRA) and within the fishing footprint there is considerable variation in the intensity of fishing effort. Defining and mapping the high intensity fishing areas within the NRA would by definition represent low risk areas in terms of significant adverse impacts and therefore encounter protocols and move on rules would have little utility in these areas. Furthermore, an understanding of the relationship between the high intensity fishing areas and the environmental characteristics could be used to identify potential new low risk fishing areas. Further categories of risk should be assessed in relation to known and potential mapped VME areas and the maps of fishing intensity to support a risk based spatial management approach for all areas.

a) The Fisheries Commission requests the SC for an analysis of fishing effort (VMS data) in the NRA to define areas of different levels of fishing intensity (e.g a map of 90%, 80%, 70%... effort) and assess these in conjunction with habitat data in order to map out areas where fishing activities would therefore have no or little significant adverse impact on VMEs and where encounter protocols and move on rules would therefore have little utility. To achieve this, high resolution data is required, (derived from the 2003-present time series of VMS records and logbook records of fishing activity provided by the secretariat and NEREIDA data). The Fisheries Commission requests therefore to the Executive Secretary to provide to the Scientific Council anonymous VMS data and logbook records of fishing activity from 2003 to present.

b) In view of the area management currently implemented and to facilitate evaluation of the need for further protective measures in response to UNGA 61/105, the SC is requested to provide an assessment of risk of significant adverse impacts on VME indicator aggregations and VME elements in the NAFO RA. This assessment should consider spatial and temporal distribution of fishing activity (derived from the 2003-present time series of VMS records and logbook records of fishing activity provided by the secretariat), and the best available knowledge on the spatial distribution of VME indicators and VME indicator elements.

**ANNEX A: Guidance for providing advice on Stocks Assessed with an Analytical Model**

The Fisheries Commission 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:

1. For stocks assessed with a production model, the advice should include updated time series of:

- Catch and TAC of recent years
- Relative Biomass
- Relative Fishing mortality
- Stock trajectory against reference points
- And any information the Scientific Council deems appropriate.

Stochastic short-term projections (3 years) should be performed under the following conditions:

- For stocks opened to direct fishing:
  - Projections based on constant fishing mortality at:  $2/3 F_{MSY}$ ,  $3/4 F_{MSY}$ ,  $85\% F_{MSY}$ ,  $F_{SQ}$  (*status quo*);
  - Projections based on constant yield at: Current TAC and relevant percentage above and/or below the current TAC;
- For stocks under a moratorium to direct fishing:  $F_{SQ}$ ,  $F = 0$ .

Results from stochastic short term projection should include:

- The 10%, 50% and 90% percentiles of the yield and total biomass;
- The risks of stock population parameters increasing above or falling below available biomass and fishing mortality reference points. The table indicated below should guide the Scientific Council in presenting the short term projections.

			Limit reference points															
			F<Flim			B>Blim			F<Fmsy			B>Bmsy			By+2 > By-2**			
Constant fishing mortality levels or yield as indicated above**	Yield in y*	Yield in y+1	Yield in y+2															
	(50%)	(50%)	(50%)	y	y+1	y+2												
F or Yield Options	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%		
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%		
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%		
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%		
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%		
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%		
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%		

\*y = First year of the projections

\*\* y-2 = Last year of the stock assessment

The Scientific Council might consider other projection options.

2. For stock assessed with an age-structured model, information should be provided on stock size, spawning stock sizes, recruitment prospects, historical fishing mortality. Graphs and/or tables should be provided for all of the following for the longest time-period possible:

- Catch and TAC of recent years
- historical yield and fishing mortality;
- spawning stock biomass and recruitment levels;
- Stock trajectory against reference points

And any information the Scientific Council deems appropriate

Stochastic short-term projections (3 years) should be performed with the following constant fishing mortality levels:

- For stocks opened to direct fishing:
  - Projections based on constant fishing mortality at:  $F_{0.1}$ ,  $F_{MAX}$ ,  $F_{MSY}$ ,  $F_{SQ}$ ;
  - Projections based on constant yield at: Current TAC and relevant percentage above and/or below the current TAC;
- For stocks under a moratorium to direct fishing:  $F_{SQ}$ ,  $F = 0$ .

Results from stochastic short term projection should include:

- The 10%, 50% and 90% percentiles of the yield, total biomass, spawning stock biomass and exploitable biomass for each year of the projections
- The risks of stock population parameters increasing above or falling below available biomass and fishing mortality reference points. The table indicated below should guide the Scientific Council in presenting the short term projections.

			Limit reference points													
			F<Flim			B>Blim			F<F0.1			F<Fmax			By+2 > By-2	
Constant fishing mortality levels or yield as indicated above**	Yield in y*	Yield in y+1	Yield in y+2													
				y	y+1	y+2										
F or Yield Options	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%
	t	t	t	%	%	%	%	%	%	%	%	%	%	%	%	%

\*y = First year of the projections

\*\* y-2 = Last year of the stock assessment

The Scientific Council might consider other projection options.

**ANNEX B: Guidance for providing advice on Stocks Assessed without a Population Model**

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 and include risk considerations as much as possible.

The following graphs should be presented, for one or several surveys, for the longest time-period possible:

- a) time trends of survey abundance estimates
- b) an age or size range chosen to represent the spawning population
- c) an age or size-range chosen to represent the exploited population
- d) recruitment proxy or index for an age or size-range chosen to represent the recruiting population.
- e) fishing mortality proxy, such as the ratio of reported commercial catches to a measure of the exploited population.
- f) Stock trajectory against reference points

And any information the Scientific Council deems appropriate.

## **Annex 7. Proposal for the improvement of the process to develop questions to the Scientific Council**

(FC Working Paper 12/16, Revised now FC Doc. 12/26)

The NAFO Contracting Parties:

**Mindful** of the NAFO Performance Assessment Review that took place in 2011;

**Recalling** the Plan of Action developed by the GC Working Group for the Implementation of the Recommendations of the NAFO Performance Review Panel;

**Acting upon** the 2011 Recommendation number 25 of the aforementioned Plan of Action;

**Recognising** the need for better transparency and better communication between the Scientific Council and the Fisheries Commission highlighted in the Report of the Panel of the Performance Assessment Review;

**Noting** the increase in scope of management issues in NAFO and the associated increase in workload for the Scientific Council

**Noting** the need to prioritize work and use the resources of Scientific Council more efficiently;

**NAFO Contracting Parties resolve to establish a clear and transparent process for developing the Fisheries Commissions document entitled “Fisheries Commission Request For Scientific Advice On Management In 20XX And Beyond Of Certain Stocks In Subareas 2, 3 And 4 And Other Matters” as follows:**

- 1) **A Steering Committee composed of the Scientific Council Coordinator and members of Contracting Parties should be established to coordinate all requests for advice and serve as the contact point between the Scientific Council and the Fisheries Commission regarding any need of clarification on the FC requests for scientific advice during the June Scientific Council meeting or whenever necessary during the year.**

**This Steering Committee should be in place during an interim period until the process is well established within NAFO. After the interim period, consideration should be given to having the Scientific Council Coordinator assume the tasks of the Steering Committee.**

- 2) **Prior to the Annual Meeting, the Steering Committee should:**

- i. **Update the above FC Request for Scientific Advice document to:**

- o **reflect the stock assessment schedule and requests that remain unanswered from the previous year;**
- o **include requests received from Contracting Parties in Advance of the Annual Meeting<sup>2</sup>;**
- o **include requests originating from the various FC Working Groups (WG);**

**Distribute to Contracting Parties all requests as a draft FC document three days prior to the Annual Meeting.**

- 3) **During the Annual Meeting, the Steering Committee should:**

- i. **Update the FC Request document with additional requests<sup>3</sup> and distribute to all Contracting Parties.**
- ii. **Consult with Scientific Council on the feasibility (e.g. workload, expertise, etc.) of the complete list of requests and ensures that intent of requests is clear and aligned with what SC can produce. The FC Request for Scientific Advice should be updated in order to reflect any necessary changes to improve clarification.**
- iii. **Prior to the conclusion of the Annual Meeting, the FC document is discussed in FC Plenary with the SC Chair present. Should the workload exceed SC capacity, prioritization may need to take place.**

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1 Maximum two members should be nominated by the Fisheries Commission.

2 A first set of questions should be submitted by Heads of Delegation or their designate to NAFO Secretariat minimum of one week prior to the start of the Annual Meeting.

3 Additional requests may result from the unfolding of the meeting. These requests should be provided to the Coordinator no later than Wednesday COB and before the request for scientific advice is discussed in the Scientific Council.

## **Annex 8. Proposal for a Joint Fisheries Commission-Scientific Council Working Group on Conservation Plans and Rebuilding Strategies**

(FC Working Paper 12/30 now FC Doc. 12/27)

**Recognizing** that the Performance Review noted the usefulness of increasing communication between the Scientific Council and the Fisheries Commission;

**Recalling** the Performance Review suggests that NAFO consider enhancing its application of risk-based assessment approaches (e.g. the Greenland Halibut Management Strategy Evaluation and Kobe Matrix) when evaluating management strategies;

**Noting** the General Council Working Group recommends in its Action Plan that the Fisheries Commission task the Working Group of Fisheries Managers and Scientists on Conservation Plans and Rebuilding Strategies to consider the broader use of the Precautionary Approach framework, extension of management strategy evaluation and/or other risk-based management approaches including conservation plans and rebuilding strategies, as appropriate;

**Further recognizing** the related ongoing work of the Working Group on Management Strategy Evaluation and the Working Group on Conservation Plans and Rebuilding Strategies;

It is proposed that the Fisheries Commission invite the Chair of the Scientific Council and the Chairs of the Working Group on Conservation Plans and Rebuilding Strategies and the Working Group on Management Strategy Evaluation to have an intersessional meeting in 2013 (possibly via webex) to develop a draft Terms of Reference and workplan for a joint Fisheries Commission – Scientific Council working group on both conservation plans and rebuilding strategies for NAFO stocks and the application of management strategy evaluation. The terms of reference and workplan would be considered by both the Scientific Council and the Fisheries Commission at the 2013 annual meeting.

It is recommended that the Terms of Reference include a mandate for the consideration of all matters related to use of the Precautionary Approach framework, the development of proposed management objectives for all NAFO managed stocks and the extension of management strategy evaluation and/or other risk-based management approaches, including conservation plans and rebuilding strategies, as appropriate.

It is also recommended that the mandate incorporate the responsibilities outlined in the revised terms of reference for the Working Group on Management Strategy Evaluation and the Working Group on Conservation Plans and Rebuilding Strategies, and that these two working groups be disbanded.

**Annex 9. Quota Table 2013 and Effort Allocation Scheme 2013**  
**QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2013 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		
	3L	3M	% of 3M Cod TAC	3NO	3LN	% of 3LN Redfish TAC	3M	3O	Sub-Area 2 and Div. 1F+3K		3LNO	3M
Canada		113	0.80	0	2769	42.60	500	6000	0 <sup>2,4</sup>	0	0	16575 <sup>5</sup>
Cuba		522	3.70	-	637	9.80	1750		0 <sup>2,4</sup>	-	-	-
Denmark (Faroe Islands and Greenland)		3154	22.35	-	-		69 <sup>19</sup>		0 <sup>2,3</sup>	-	-	-
European Union		8049 <sup>25</sup>	57.03	0 <sup>11</sup>	1185 <sup>26</sup>	18.23	7813 <sup>12</sup>	7000	0 <sup>2,3</sup> 0 <sup>2,15</sup>	0	0 <sup>11</sup>	-
France (St. Pierre et Miquelon)		-		-	-		69 <sup>19</sup>		0 <sup>2,4</sup>	-	-	340 <sup>5</sup>
Iceland		-		-	-		-		0 <sup>2,3</sup>	-	-	-
Japan		-		-	-		400	150	0 <sup>2,4</sup>	-	-	-
Korea		-		-	-		69 <sup>19</sup>	100	0 <sup>2,4</sup>	-	-	-
Norway		1305	9.25	-	-		-		0 <sup>2,3</sup>	-	-	-
Russian Federation		913	6.47	0	1870	28.77	9137	6500	0 <sup>2,3</sup>	-	0	-
Ukraine								150	0 <sup>2,4</sup>			
United States of America		-		-	-		69 <sup>19</sup>		0 <sup>2,4</sup>	-	-	-
Others		57	0.40	0	39	0.60	124	100	-	0	0	85 <sup>5</sup>
TOTAL ALLOWABLE CATCH	*9	14113 <sup>23</sup>	100.0	*9,20	6500 <sup>24</sup>	100.0	6500 <sup>8</sup>	20000	0 <sup>10,17</sup>	*21	*9,16	17000 <sup>21,22</sup>

Species	Witch		White hake	Capelin	Skates	Greenland halibut	Squid (Illex) <sup>1</sup>		Shrimp	
	3L	3NO					Sub-areas 3+4	3L	3NO	
Division/Contracting Party	3L	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO		
Canada		0	294	0	1167	1724	N.S. <sup>6</sup>	7160		
Cuba		-		0		-	510	96		
Denmark (Faroe Islands and Greenland)		-		-	199		-	96		
European Union		0 <sup>11</sup>	588	0 <sup>11</sup>	4408	6738 <sup>18</sup>	N.S. <sup>6</sup> 611 <sup>13</sup>	480 <sup>14</sup>		
France (St. Pierre et Miquelon)		-		-	188		453	96		
Iceland		-		-		-	-	96		
Japan		-		0	1178		510	96		
Korea		-		-		-	453	96		
Norway		-		0		-	-	96		
Russian Federation		0	59	0	1167	1466	749	96		
Ukraine						-		96		
United States of America		-		-		-	453	96		
Others		0	59	-	258	0 <sup>7</sup>	794	0		
<b>TOTAL ALLOWABLE CATCH</b>	<sup>*9,20</sup>	<sup>*9</sup>	<b>1000<sup>27</sup></b>	<sup>*9,20</sup>	<b>7000<sup>15</sup></b>	<b>11493</b>	<b>34000<sup>20</sup></b>	<b>8600</b>		<sup>*9</sup>

\* 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 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 2011 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).
- 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.
- Not more than 3250 tons may be fished before 01 July 2013.

9. The provisions of Article 6, 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 2013 as compared to 2012, 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 96 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 8,600 tonnes, following their accession to the European Union.
15. Allocation of 17.85% to Lithuania and 2.15% to Latvia following their accession to the European Union.
16. Applicable to 2013 and 2014.
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 377 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union.
19. Notwithstanding the provisions of footnote 8 and Article 5.2(b) and without prejudice to future agreements on allocations, these quotas may be fished in their entirety by these Contracting Parties.
20. Applicable until at least 2013.
21. In lieu of Article 6.1 (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 15% of their total yellowtail fishery as calculated in accordance with Article 6.1 (c). If a Scientific Council projection indicates that this rate is likely to undermine stock recovery or cause an unreasonable delay in reaching  $B_{lim}$ , this rate may be subject to a reassessment by the Fisheries Commission.
22. 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.
23. The allocation key of this stock is based on the 1998 Quota Table. In 1999, a moratorium on cod in Division 3M was declared.
24. The allocation key of this stock is based on the 1997 Quota Table. In 1998, a moratorium on redfish in Division 3LN was declared.
25. Including fishing entitlements of 157 tons each for Estonia, Latvia, and Lithuania 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) and allocation of 536 tons for Poland following their accession to the European Union.
26. Including fishing entitlements of 322 tonnes each for Estonia, Latvia, and Lithuania 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) following their accession to the European Union.
27. Should a Contracting Party experience higher than normal catches per unit of effort (CPUE) and conclude that a shift to high availability levels of white hake during the fishing season - such as what apparently was the case in 2002 and 2003 - is taking place, then that Contracting Party shall notify the Executive Secretary. Upon this notification, the TAC is increased to 5,000 metric tons. The Executive Secretary shall notify all Contracting Parties of the increased TAC. Within one month that Contracting Party shall submit a summary of evidence for its conclusion (higher than normal CPUE and any other additional relevant information). On this basis, a mail vote will be submitted to the Fisheries Commission as to whether an exceptional increase in the availability of fish occurs. In case of a positive vote, the TAC is confirmed to be 5,000 metric tons. In case of a negative vote, the TAC is 1,000 metric tons and catches between the notification of high availability and the notification to Contracting Parties of the result of the vote will not be accounted for the catch limitation provided in Article 5 of the NCEM

**Effort Allocation Scheme for Shrimp Fishery in the  
NAFO Regulatory Area Div. 3M, 2013**

Contracting Party	Number of fishing days <sup>1</sup>	Number of vessels <sup>1</sup>
<b>Canada</b>	0	0
<b>Cuba</b>	0	0
<b>Denmark</b>	0	0
Faroe Islands	0	0
Greenland	0	0
<b>European Union</b>	0	0
<b>France</b> (in respect of St Pierre et Miquelon)	0	0
<b>Iceland</b>	N/A	N/A
<b>Japan</b>	0	0
<b>Korea</b>	0	0
<b>Norway</b>	0	0
<b>Russia</b>	0	N/A
<b>Ukraine</b>	0	0
<b>USA</b>	0	0

<sup>1</sup> When the scientific advice estimates that the stock shows signs of recovery, the fishery shall be re-opened in accordance with the effort allocation key in place for this fishery at the time of the closure.

**Annex 10. White Hake in Divisions 3NO**  
(FC Working Paper 12/33 now FC Doc. 12/10)

**Recalling** that white hake came under quota regulation when NAFO, at its Annual Meeting in 2004, set a Total Allowable Catch (TAC) of 8,500 metric tons for 2005-2007 in Div. 3NO;

**Noting** that NAFO agreed to a directional reduction in the TAC for white hake in Divisions 3NO to a level of 6,000 metric tons in 2009, which was further reduced to 5,000 metric tons at the 2011 NAFO Annual Meeting;

**Observing** that current catches of white hake are well below recent quotas (129 metric tons in 2011) and subject to high variability with occasional spikes in the availability of fish in this fishery;

**Resolve to** adopt a TAC for 3NO white hake at 1,000 metric tons for 2013 consistent with the most recent advice provided by the Scientific Council to maintain catch at current levels.

Should a Contracting Party experience higher than normal catches per unit of effort (CPUE) and conclude that a shift to high availability levels of white hake during the fishing season - such as what apparently was the case in 2002 and 2003 - is taking place, then that Contracting Party shall notify the Executive Secretary. Upon this notification, the TAC is increased to 5,000 metric tons. The Executive Secretary shall notify all Contracting Parties of the increased TAC.

Within one month that Contracting Party shall submit a summary of evidence for its conclusion (higher than normal CPUE and any other additional relevant information). On this basis, a mail vote will be submitted to the Fisheries Commission as to whether an exceptional increase in the availability of fish occurs.

In case of a positive vote, the TAC is confirmed to be 5,000 metric tons. In case of a negative vote, the TAC is 1,000 metric tons and catches between the notification of high availability and the notification to Contracting Parties of the result of the vote will not be accounted for the catch limitation provided in Article 5 of the NCEM.

**Annex 11. Shrimp in Division 3L – Deletion of Article 9.8**  
(FC Working Paper 12/36 now FC Doc. 12/11)

**Proposed Amendments**

**Delete:**

**Article 9 – Shrimp**

8. The quota allocated to Canada in Division 3L shall be fished within the Canadian zone. The remaining quota shall be allocated within the Regulatory Area between all other Contracting Parties.

## **Annex 12. Recommendations from the WGFMS-VME to the Fisheries Commission** (FC Working Paper 12/6 now FC Doc. 12/6)

The FC Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems (WGFMS-VME) met on 11-13 September 2012 in Bergen, Norway and agreed on the following recommendations:

### **Lists of VME indicator species and elements**

1. The WG **recommends** that the list of VME indicator species and VME elements prepared by the Scientific Council (Tables 1 and 2 of the SCS 12/19, p. 37-39, Annex 1) be adopted in conjunction with the proposed revisions to Article 15 of the 2012 NCEM, as contained in FCWG-VME Working Paper 12/3 (Revision 4) (Annex 2). These tables should be appended as Annexes in the NCEM.

### **Assessment of bottom fishing activities**

2.1 The WG **recommends** that FC request SC use the revised Annex 1.E.V of the NCEM to guide development of their workplan related to reassessment of fishing activity with respect to Significant Adverse Impact (SAI) on VME and would note that this assessment is a single component of the broader EAF Roadmap being developed separately by SC.

2.2 The WG **recommends** the adoption of the proposed Annex I.E.V of NCEM as contained in WG WP 12/5 Revised (Annex 3).

### **Exploratory Fishing**

3. The WG **recommends** the adoption of the revised provisions relating to Exploratory Fishing in Chapter II of the NCEM, as contained in FCWG-VME Working Paper 12/3 (Revision 4) (Annex 2).

### **Thresholds (see Annex 4 FCWG-VME Working Paper 12/7 Revised)**

4.1. The WG **recommends** 60 kg of corals excluding sea pens, inside and outside the footprint.

4.2. The WG **recommends** that FC consider adopting revised encounter thresholds outside the fishing footprint of 7 kg of sea pens and 300 kg for sponges.

4.3. The WG **recommends** that the FC, considering the distribution of sea pens and the practical considerations associated with a value of 7 kg for a threshold, consider additional area closures to significant concentration of sea pens, and/or introduce a 7 kg threshold inside the footprint.

4.4. The WG **recommends** 300 kg threshold for sponges inside the fishing footprint. This measure should be reviewed if refinements to the existing closures take place.

### **Working Group Terms of Reference, Fisheries re-assessment (see Annex 5 FCWG-VME Working Paper 12/6 Revision 2)**

5. Recognizing that the Performance Review Panel has noted the usefulness of increasing communication between SC and FC, and recommended further development and consolidation of the EAF Roadmap, the WG recommends that FC modify the Terms of Reference for this WG to expand its mandate to include broader aspects of EAF as part of the future dialogue between SC and FC.

### Annex 1. Lists of VME Indicator Species and Elements

Table 1. List of VME Indicator Species.

Benthic Invertebrate VME Indicator Species			
Common name of taxonomic group	Known Taxon	Family	Phylum
Large-sized sponges	<i>Iophon piceum</i>	Acarinidae	Porifera
	<i>Stelletta normani</i>	Ancorinidae	
	<i>Stelletta</i> sp.	Ancorinidae	
	<i>Stryphnus ponderosus</i>	Ancorinidae	
	<i>Axinella</i> sp.	Axinellidae	
	<i>Phakellia</i> sp.	Axinellidae	
	<i>Esperiopsis villosa</i>	Esperiopsidae	
	<i>Geodia barrette</i>	Geodiidae	
	<i>Geodia macandrewii</i>	Geodiidae	
	<i>Geodia phlegraei</i>	Geodiidae	
	<i>Mycale (Mycale) lingua</i>	Mycalidae	
	<i>Thenea muricata</i>	Pachastrellidae	
	<i>Polymastia</i> spp.	Polymastiidae	
	<i>Weberella bursa</i>	Polymastiidae	
	<i>Weberella</i> sp.	Polymastiidae	
	<i>Asconema foliatum</i>	Rossellidae	
	<i>Craniella cranium</i>	Tetillidae	
Stony corals (known seamount species may not occur in abundance in the NRA)	<i>Lophelia pertusa</i>	Caryophylliidae	Cnidaria
	<i>Solenosmilia variabilis</i>	Caryophylliidae	
	<i>Enallopsammia rostrata</i>	Dendrophylliidae	
	<i>Madrepora oculata</i>	Oculinidae	
Small gorgonian corals	<i>Anthothela grandiflora</i>	Anthothelidae	Cnidaria
	<i>Chrysogorgia</i> sp.	Chrysogorgiidae	
	<i>Radicipes gracilis</i>	Chrysogorgiidae	
	<i>Metallogorgia melanotrichos</i>	Chrysogorgiidae	
	<i>Acanella arbuscula</i>	Isididae	
	<i>Acanella eburnean</i>	Isididae	
	<i>Swiftia</i> sp.	Plexauridae	
	<i>Narella laxa</i>	Primnoidae	
Large gorgonian corals	<i>Acanthogorgia armata</i>	Acanthogorgiidae	Cnidaria
	<i>Iridogorgia</i> sp.	Chrysogorgiidae	
	<i>Corallium bathyrubrum</i>	Coralliidae	
	<i>Corallium bayeri</i>	Coralliidae	
	<i>Keratoisis ornate</i>	Isididae	
	<i>Keratoisis</i> sp.	Isididae	
	<i>Lepidisis</i> sp.	Isididae	
	<i>Paragorgia arborea</i>	Paragorgiidae	
	<i>Paragorgia johnsoni</i>	Paragorgiidae	
	<i>Paramuricea grandis</i>	Plexauridae	
	<i>Paramuricea placomus</i>	Plexauridae	
	<i>Paramuricea</i> spp.	Plexauridae	

	<i>Placogorgia</i> sp.	Plexauridae	
	<i>Placogorgia</i> <i>terceira</i>	Plexauridae	
	<i>Calyptrophora</i> sp.	Primnoidae	
	<i>Parastenella atlantica</i>	Primnoidae	
	<i>Primnoa resedaeformis</i>	Primnoidae	
	<i>Thouarella grasshoffi</i>	Primnoidae	
Sea pens			Cnidaria
	<i>Funiculina quadrangularis</i>	Funiculinidae	
	<i>Halipteris</i> cf. <i>christii</i>	Halipteridae	
	<i>Halipteris finmarchica</i>	Halipteridae	
	<i>Halipteris</i> sp.	Halipteridae	
	<i>Kophobelemnion stelliferum</i>	Kophobelemnidae	
	<i>Pennatula aculeata</i>	Pennatulidae	
	<i>Pennatula grandis</i>	Pennatulidae	
	<i>Pennatula</i> sp.	Pennatulidae	
	<i>Distichoptilum gracile</i>	Protoptilidae	
	<i>Protoptilum</i> sp.	Protoptilidae	
	<i>Umbellula lindahli</i>	Umbellulidae	
	<i>Virgularia</i> cf. <i>mirabilis</i>	Virgulariidae	
Tube-dwelling anemones	<i>Pachycerianthus borealis</i>	Cerianthidae	Cnidaria
Erect bryozoans	<i>Eucratea loricata</i>	Eucrateidae	Bryozoa
Sea lilies (Crinoids)	<i>Trichometra cubensis</i>	Antedonidae	Echinodermata
	<i>Conocrinus lofotensis</i>	Bourgueticrinidae	
	<i>Gephyrocrinus grimaldii</i>	Hyocrinidae	
Sea squirts	<i>Boltenia ovifera</i>	Pyuridae	Chordata
	<i>Halocynthia aurantium</i>	Pyuridae	

Table 2. List of VME indicator elements.

Physical VME indicator elements	
Seamounts	Fogo Seamounts (Div. 3O, 4Vs) Newfoundland Seamounts (Div. 3MN) Corner Rise Seamounts (Div. 6GH) New England Seamounts (Div. 6EF)
Canyons	Shelf-indenting canyon; Tail of the Grand Bank (Div. 3N) Canyons with head > 400 m depth; South of Flemish Cap and Tail of the Grand Bank (Div. 3MN) Canyons with heads > 200 m depth; Tail of the Grand Bank (Div. 3O)
Knolls	Orphan Knoll (Div. 3K) Beothuk Knoll (Div. 3LMN)
Southeast Shoal	Tail of the Grand Bank Spawning grounds (Div. 3N)
Steep flanks > 6.4°	South and Southeast of Flemish Cap. (Div. 3LM)

**Annex 2. Amendments to Chapter II of the NAFO CEM – clarification of provisions related to the exploratory bottom fishing activities – Chapter II Bottom Fisheries in the NAFO Regulatory Area**

(FCWG-VME Working Paper 12/3, Revision 4)

**Article 15 - Purpose and definitions**

1. The purpose of this Article is to ensure the implementation by NAFO of effective measures to prevent significant adverse impacts of bottom fishing activities on vulnerable marine ecosystems known to occur or likely to occur in the Regulatory Area based on the best available scientific information. For the purposes of this Article, NAFO will take into account the guidance provided by the FAO in the framework of the Code of Conduct for Responsible Fisheries and any other internationally agreed standards, as appropriate.
2. The term ‘bottom fishing activities’ means bottom fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations.
3. The term “existing bottom fishing areas” (“footprint”) means that portion of the Regulatory Area where bottom fishing has historically occurred and is defined by the coordinates shown in Table 1 and illustrated in Figure 4.
4. The term “exploratory bottom fishing activities” means bottom fishing activities conducted in unfished bottom areas, or bottom fishing activities with significant changes to the conduct or in the technology used in the existing bottom fishing areas.
5. The term “unfished bottom areas” means other areas within the Regulatory Area which are not defined as existing bottom fishing areas.
6. 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.
7. The term “VME indicator species” refers to species of coral identified as gorgonians, *Lophelia*, and sea pen fields; crinoids; erect bryozoans; sea squirts; cerianthid anemone fields; and sponges that constitute sponge grounds or aggregations. The current list is attached as Part VI of Annex I.E.
8. The term “VME element” refers to topographical, hydrophysical or geological features which potentially support VMEs including slopes, summits and flanks of seamounts and knolls and canyons as described in the Annex of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas. The current list is attached as Part VII of Annex I.E.
9. 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.
10. The term “encounter” means catch of a VME indicator species above threshold levels as set out in Article 20.3. Any encounter with a VME indicator species or merely detecting its presence is not sufficient to identify a VME. That identification should be made on a case-by-case basis through assessment by relevant bodies.

**Article 16 - Seamount, Coral, and Sponge Protection Zones**

1. Until December 31, 2014, no vessel shall engage in bottom fishing activities in any of the areas defined by connecting the following coordinates (in numerical order and back to coordinate 1), subject to the exception foreseen in paragraph 2.
2. A request to conduct exploratory bottom fishing activities, in any of the areas defined by paragraph 1, shall be in accordance with Article 18 and the Exploratory Protocol (Part IV of Annex I.E).
3. If a vessel fishing in any of the areas defined in paragraph 1 encounters a VME indicator species, as defined in Article 20.3, interim encounter provisions as set out in Article 20.2 will apply.
4. Until December 31, 2014, no vessel shall engage in bottom fishing activities in the following area in Division 30 defined by connecting the following coordinates (as illustrated in Figure 2).
5. Until December 31, 2014, no vessel shall engage in bottom fishing activities in the areas defined by connecting the following coordinates (as illustrated in Figure 3).
6. The measures referred to in Article 16.5 shall be reviewed in 2014 by the Fisheries Commission, taking account of the advice from the Scientific Council and the Working Group of Fishery Managers and Scientists, and a decision shall be taken on future management measures.

7. Contracting Parties are encouraged to the extent possible to record all coral and sponge catch in their annual government and/or industry research programs and to consider non-destructive means for the long-term monitoring of coral and sponges in the closed areas.

#### **Article 17 Map of existing bottom fishing areas**

#### **Article 18 – Exploratory bottom fishing activities**

1. Exploratory bottom fishing activities shall be conducted in accordance with the exploratory protocol set out in Parts I-IV of Annex I.E.
2. Contracting Parties whose vessels wish to engage in exploratory bottom fishing activities shall communicate a ‘Notice of Intent to Undertake Exploratory Bottom Fishing’ (Annex I.E, Parts I and IV) to the Executive Secretary together with the assessment required under Article 19(2) (i).
3. The exploratory bottom fishing activities may start only after they have been authorized in accordance with Article 19bis.
4. Contracting Parties shall ensure that vessels flying their flag and conducting exploratory bottom fishing activities have a scientific observer on board.
5. Contracting Parties shall within 3 months of the completion of the fishing trip provide an ‘Exploratory Bottom Fishing Trip Report’ of the results of such activities to the Executive Secretary for circulation to the Scientific Council and all Contracting Parties.

#### **Article 19 - Assessment of proposed exploratory bottom fishing activities**

Assessment for proposed exploratory bottom fishing activities in the Regulatory Area shall follow the procedure below:

- i. The Contracting Party proposing to participate in exploratory bottom fishing activities shall submit to the Executive Secretary information and preliminary assessment of the known and anticipated impacts of the bottom fishing activity which will be exercised by the vessels flying its flag on vulnerable marine ecosystems. That assessment shall be sent no less than two weeks in advance of the opening of the June meeting of the Scientific Council. It shall address the elements as set forth in Part V of Annex I.E.  
  
The Executive Secretary shall promptly forward these submissions to the Scientific Council and the Fisheries Commission.
- ii. The elaboration of that assessment shall be carried out in accordance with guidance developed by the Scientific Council, or, in the absence of such guidance, to the best of the Contracting Party’s ability.  
  
At the meeting of the Scientific Council immediately following the submission of the information and preliminary assessment, the Scientific Council shall undertake an assessment of the submitted documentation, according to procedures and standards it develops and, taking into account the risks of significant adverse impacts on vulnerable marine ecosystems. The Scientific Council may use in its assessment additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere.
- iii. The Scientific Council shall in line with the precautionary approach, provide advice to the Fisheries Commission on possible significant adverse impacts on vulnerable marine ecosystems and on the mitigation measures to prevent them.

#### **Article 19bis Management measures on exploratory bottom fishing activities and for the protection of Vulnerable Marine Ecosystems**

1. The Working Group of Fishery Managers and Scientists on VMEs shall examine the advice of the Scientific Council delivered in accordance with Article 19(iii) and shall make recommendations to the Fisheries Commission in accordance with its mandate.
2. The Fisheries Commission shall, taking account of advice and recommendations provided by the Scientific Council and the Working Group of Fishery Managers and Scientists on VMEs concerning exploratory bottom fishing activities, including data and information arising from reports pursuant to Article 20 adopt conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems. These may include:

- i. allowing, prohibiting or restricting bottom fishing activities;
- ii. requiring specific mitigation measures for bottom fishing activities;
- iii. allowing, prohibiting or restricting bottom fishing with certain gear types, or changes in gear design and/or deployment; and/or
- iv. any other relevant requirements or restrictions to prevent significant adverse impacts to vulnerable marine ecosystems.

#### **Article 19ter – Evaluation of exploratory bottom fishing activities**

1. At its meeting immediately following receipt of the ‘Exploratory Bottom Fishing Trip Report’ circulated in accordance with Article 18(5), the Scientific Council shall evaluate the exploratory bottom fishing activities. Taking into account the risks of significant adverse impacts on vulnerable marine ecosystems, the Scientific Council shall, in line with the precautionary approach, provide advice to the Fisheries Commission on the decision to be taken in accordance with Article 19ter(3).
2. The Working Group of Fishery Managers and Scientists on VMEs shall examine the advice of the Scientific Council delivered in accordance with Article 19ter(1) and shall make recommendations to the Fisheries Commission in accordance with its mandate.
3. The Fisheries Commission shall, taking account of advice and recommendations provided by the Scientific Council and the Working Group of Fishery Managers and Scientists on VMEs, either to:
  - i. Authorise the bottom fishing activity for part or all of the area in which exploratory bottom fishing was carried out and include this area in the existing bottom fishing areas (footprint), or,
  - ii. Discontinue the exploratory bottom fishing activity and, if necessary, close part or all of the area where which exploratory bottom fishing was carried out, or,
  - iii. Authorise the continued conduct of exploratory bottom fishing activity, in line with Article 18 with a view to gather more information.

#### **Article 20 - Interim Encounter Provision**

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 bottom fishing areas
  - ii. Vessels shall quantify catch of VME indicator species.
  - iii. if the quantity of VME 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 Contracting Party, which without delay shall forward the information to the Executive Secretary, including the position that is provided by the vessel, either the end point of the tow or set or another position that is closest to the exact encounter location, the VME indicator species encountered, and the quantity (kg) of VME indicator species encountered. 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 bottom 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 19.4.

## 2. Unfished bottom areas

- i. Vessels shall quantify catch of VME indicator species. Observers deployed shall identify corals, sponges and other organisms to the lowest possible taxonomical level. The Exploratory Fishery Data Collection Form found in Part III of Annex I.E shall be used (templates).
- i. If the quantity of VME 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 Contracting Party, which shall forward the information to the Executive Secretary, including the position that is provided by the vessel, either the end point of the tow or set or another position that is closest to the exact encounter location, the VME indicator species encountered, and the quantity (kg) of VME indicator species encountered. 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 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 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 Executive Secretary shall make an annual report on single and multiple encounters in discrete areas within existing bottom fishing areas to the Scientific Council. This report should also include reports from the exploratory bottom fishing activities conducted in the last year. 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 adopted conservation and management measures in accordance with Article 19bis.2. 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 Executive Secretary shall make an annual report on archived reports from encounters in unfished bottom areas to the Scientific Council. This report shall also include reports from the exploratory bottom 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 19bis.2.
3. For both existing bottom fishing areas and unfished bottom 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 60 kg of live coral. For unfished bottom 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 400 kg of sponges. For existing bottom fishing areas (the "footprint"), 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 600 kg of sponges. These thresholds are set on a provisional basis and may be adjusted as experience is gained in the application of this measure.

### **Article 20bis: Reassessment of bottom fishing activities**

1. The Scientific Council, with the co-operation of Contracting Parties, shall identify, on the basis of best available scientific information, vulnerable marine ecosystems in the Regulatory Area and map sites where these vulnerable marine ecosystem are known to occur or likely to occur and provide such data and information to the Executive Secretary for circulation to all Contracting Parties.

2. Fisheries Commission will in collaboration with the Scientific Council and the Working Group of Fishery Managers and Scientists on VMEs conduct a reassessment in 2016 and every 5 years thereafter of bottom fishing activities, or when there is new scientific information indicating a VME in a given area. Following the assessment, the Fisheries Commission shall take the necessary actions to protect VMEs.

**Article 21 – Review**

The provisions of this Chapter shall be reviewed by the Fisheries Commission at its Annual Meeting in 2014.

**Annex I.E Templates for the conduct of exploratory bottom fishing activities**

**IV. Exploratory Protocol**

The Exploratory Protocol shall consist of:

- 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.

**V. Assessment of Bottom Fishing Activities <new text of WP 12/5>**

**VI. List of VME indicator species <table to be inserted>**

**VII. List of physical VME indicator elements <table to be inserted>**

**Annex 3. Assessment of Bottom Fishing Activities**  
(FCWG-VME Working Paper 12/5, Revised)

**Proposed Recommendation from VME WG to FC concerning Assessments**

Recognizing that the current terms of reference of the WGFMS on VMEs is focused on VMEs, the WG would recommend FC consider revising Annex I E V as suggested below. This revision highlights the connections between ecosystem considerations noted by SC and the assessment of SAI on VMEs requested by FC. The WG underscores the specific nature of the assessment being considered while acknowledging how it supports broader application of EAF.

Recommends that FC request SC use the revised Annex I E V to guide development of their workplan related to reassessment of fishing activity with respect to SAI on VME and would note that this assessment is a single component of the broader EAF Roadmap being developed separately by SC.

**Proposed Annex I.E. Section V. Assessment of Bottom Fisheries Activities.**

**V. Assessment of Bottom Fishing Activities**

Assessments should consider the best available scientific and technical information on the current state of fishery resources.

Assessments should address, inter alia:

1. Type(s) of fishing conducted or contemplated, including vessels and gear types, fishing areas, target and potential bycatch species, fishing effort levels and duration of fishing (harvesting plan);
2. Existing baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;
3. Identification, description and mapping of VMEs known or likely to occur in the fishing area;
4. Identification, description and evaluation of the occurrence, scale and duration of likely impacts, including cumulative impacts of activities covered by the assessment on VMEs;
- 4bis Consideration of VME elements known to occur in the fishing area; (New paragraph)
5. 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;
6. Risk assessment of likely impacts by the fishing operations to determine which impacts on VMEs are likely to be significant adverse impacts; and
7. The proposed mitigation and management measures to be used to prevent significant adverse impacts on VMEs, and the measures to be used to monitor effects of the fishing operations.

**Annex 4. Thresholds**  
(FCWG-VME Working Paper 12/7, Revised)

**Existing measures**

The VME WG notes that the 60kg threshold for corals would be retained, other than for sea pens, if the recommendations below are accepted.

**Proposed Recommendation from VME WG to FC concerning Thresholds Outside the Fishing Footprint**

Recognizing the advice from SC concerning sea pens and sponges, the VME WG recommends that FC consider adopting revised encounter thresholds outside the fishing footprint of 7kg for sea pens and 300 kg for sponges.

**Proposed Recommendation from VME WG to FC concerning Thresholds Inside the Fishing Footprint – sea pens**

The VME WG notes that the situation inside the fishing footprint is more complex, especially in light of advice for a 7kg threshold for sea pens and that two approaches are currently available and being used: closed areas or encounter protocol.

The VME WG also noted the SC observation that as locations of concentrations of benthic VME indicator species become increasingly well-defined through survey and mapping efforts, appropriate closed areas are put in place, and re-assessed through the annual surveys. Under these conditions, the encounter provisions within the footprint become redundant. The VME WG further noted that such a situation may be emerging for corals and sponges within the footprint where management decisions have been taken or are being considered to close areas. The VME WG acknowledged that UNGA Resolution 61/105 calls for encounter provisions within the suite of measures to protect VMEs. The VME WG additionally noted that SC considers that management through the closure of areas with significant concentrations of VMEs is the most effective measure for protecting VMEs in the NRA.

With the time available to the VME WG, mapping of possible refinements to the closed areas for consideration by the FC was not possible. The WG noted however that these closures could be through modifications or refinements of some of the existing closures or some additional targeted closures.

The VME WG recommends that the FC, considering the distribution of sea pens and the practical considerations associated with a value of 7 kg for a threshold, consider additional area closures to protect significant concentrations of sea pens and/or introduce a 7kg encounter threshold.

**Proposed Recommendation from VME WG to FC concerning Thresholds Inside the Fishing Footprint – sponges**

The VME WG noted the approach recommended for sea pens and recommends that FC consider a similar approach for sponges. The VME WG recommends 300kg as an encounter threshold for sponge. This measure should be reconsidered if refinements to the closed areas are adopted.

**Annex 5. Broadening of Working Group Terms of Reference**  
(FCWG-VME Working Paper 12/6, Revision 2)

**Proposed recommendation from VME WG to FC**

Recognizing that the Performance Review has noted the usefulness of increasing communication between SC and FC, and recommended further development and consolidation of the EAF Roadmap

The WGFMS-VME recommends that FC modify the ToR for this working group to expand its mandate to include broader aspects of EAF as part of the future dialogue between SC and FC.

### **Annex 13. Proposal for the Establishment of Measures to Protect Sea Pens and Sponges in the NAFO Regulatory Area**

(FC Working Paper 12/37 now FC Doc. 12/12)

**Mindful** of the recommendations of the Scientific Council from their June 2012 meeting regarding vulnerable marine ecosystems, in particular the location and encounter threshold levels for sea pens, in the NAFO regulatory area;

**Noting** the recommendations of the Working Group of Fisheries Managers and Scientists on Vulnerable Marine Ecosystems regarding encounter threshold levels and possible closed areas for sea pens;

**Recognizing** the significant effort by Contracting Parties to develop and consider potential closed areas to protect sea pens, but mindful of the need for more time to review the information provided by the Scientific Council on sea pens; and

**Considering** the recent decision to allow VMS data to be available to NAFO constituent bodies and the potential benefit in managing measures to protect vulnerable marine ecosystems;

It is proposed that the Fisheries Commission establish an encounter threshold of 7kg for sea pens inside the fishing footprint of the NAFO Regulatory Area.

It is also proposed that the Working Group of Fisheries Managers and Scientists on Ecosystems convene as soon as possible after the June 2013 Scientific Council meeting to further consider possible amendments to the closed areas and evaluate the conservation effect of applying thresholds and move on rules.

It is also proposed that Article 20.3 of the NAFO Conservation and Enforcement Measures be updated as follows:

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 7kg of sea pens, 60 kg of other live coral and 300 kg of sponges. These thresholds are set on a provisional basis and may be adjusted as experience is gained in the application of this measure.

## **Annex 14. Proposal for a Joint Fisheries Commission-Scientific Council Working Group on the Ecosystem Approach Framework to Fisheries Management**

(FC Working Paper 12/29 now FC Doc. 12/28)

**Noting** the United Nations General Assembly resolutions calling for the further implementation of an ecosystem approach to the management of fisheries;

**Recalling** the Amendments to the 1978 NAFO Convention includes a commitment to apply an ecosystem approach to the management of fisheries;

**Further Recalling** the prominent place that the ecosystems approach to the management of fisheries in both the United Nations Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries;

**Recognizing** that the Performance Review noted the usefulness of increasing communication between the Scientific Council and the Fisheries Commission;

**Further recognizing** the performance review recommendation for the further development and consolidation of the Ecosystem Approach Framework and Roadmap;

**Noting** recommendation 5 of the 2012 report of the Working Group of Fisheries Managers and Scientists to modify the Terms of Reference for the Working Group to expand its mandate to include broader aspects of the Ecosystem Approach Framework as part of future dialogue between the Scientific Council and Fisheries Commission; and

**In light of** the ongoing work of the Scientific Council Working Group on Ecosystem Approach to Fisheries Management;

It is proposed that the Fisheries Commission invite the Chair of the Scientific Council, the Chair of the Working Group of Fisheries Managers on Vulnerable Marine Ecosystems and the Chair of the Scientific Council Working Group on an Ecosystem Approach to Fisheries Management to an intersessional meeting in 2013. During this intersessional meeting they would develop a draft Terms of Reference and a workplan for a joint Fisheries Commission – Scientific Council working group that would focus on the development and implementation of ecosystem approaches to fisheries management. The terms of reference and workplan would be considered by both the Scientific Council and the Fisheries Commission at the 2013 annual meeting.

It is recommended that the Terms of Reference include a mandate for the consideration of all matters related to the Ecosystem Approaches to Fisheries Management (EAF), and the provision of advice to the Fisheries Commission on these matters.

It is also recommended that the mandate incorporate the responsibilities outlined in the Working Group of Fisheries Managers and Scientists on Vulnerable Marine Ecosystems, resulting in the disbanding of the Fisheries Commission Working Group on Vulnerable Marine Ecosystems.

**Annex 15. Proposal for a resolution on the protection of Vulnerable Marine Ecosystems  
from activities other than fishing**

(FC Working Paper 12/13, Revised now FC Doc. 12/29)

**NAFO Contracting Parties:**

**Following** the identification by NAFO of concentrations of Vulnerable Marine Ecosystems in the NAFO Regulatory Area and their subsequent closure to bottom fishing activities, as outlined in Article 16.5 of NAFO CEM;

**Noting** that these area closures could be affected by human activities other than fishing, which could jeopardise the effect of these closures;

**Bearing in mind** the recommendation of the NAFO Performance Review Panel to consider whether activities other than fishing may impact stocks and fisheries as well as the biodiversity in the NAFO Regulatory Area;

Resolve to urge other international organisations dealing with at sea human activities and maritime affairs other than fishing to consider, in accordance with their mandate, taking mitigation measures in areas beyond national jurisdiction to reduce the risk of negative impacts of these activities in the closed areas.

**Annex 16. Definition of Mid-water Trawl**  
(STACTIC Working Paper 12/4, Revision 3 now FC Doc. 12/13)

**Background:**

There are several references in the NCEM to the use of mid-water trawl. For clarity, it is necessary to define a mid-water trawl. The following text is proposed for definition of a mid-water trawl.

In accordance with Definition and classification of fishing gear categories *FAO Fisheries Technical Paper ISSN 0429-9345 Rev.222* point 3.2.1. “Mid-water otter trawls are towed by a single boat. The horizontal opening of the net is controlled by otter boards, usually of a hydrodynamic shape, which normally do not touch the ground.

**Proposed Amendment:**

New text of Article 13.2.f):

“ 90 mm for redfish (RED) in the fishery using mid-water trawls in Division 3O and 3M. Within this fishery mid-water trawl means trawl gear that is designed to fish for pelagic species, no portion of which is designed to be or is operated in contact with the bottom at any time. The gear shall not include discs, bobbins or rollers on its footrope or any other attachments designed to make contact with the bottom. The trawl may have chafing gear attached.

**Annex 17. Catch Recording in Logbooks (Tow by Tow/Set by Set)**  
(STACTIC Working Paper 12/16, Revision 3 now FC Doc. 12/14)

**Background**

Currently, the NAFO Conservation and Enforcement Measures require that fishing vessels record their catches on a daily basis. By-Catch requirements in Article 6.2 and Minimum fish size requirements in Article 14.4 are based on catches in a single haul. The Peer Review Panel and Scientific Council have identified that Catch per unit effort is an important component used in estimating removals from fish stocks. To ensure the most reliable and complete data is available in determining catch per unit effort as well as for the purpose of monitoring compliance with these provisions it is recommended that fishing vessels be required to record catches on a tow by tow or set by set basis.

Tow by tow/set by set information has been highlighted by Scientific Council in its 2012 report (SCS.12/19) as an essential element in completing fisheries assessments and more broadly in the ecosystems approach to fisheries.

**Proposed Amendments**

**Replace existing text in Article 25.1(b) by adding the following text.**

(b) accurately record the catch of each tow /set and complete fishing logbook entries as specified in Annex II.A

**Replace Annex II.A with the following text.**

## Annex II.A

### Recording of Catch (Logbook Entries)

#### FISHING LOGBOOK ENTRIES

Item of Information

Vessel name

Vessel nationality

Vessel registration number

Registration port

Type of gear used

Date - dd-mm- yyyy

\_\_\_\_\_

Start time of tow (UTC)

Start Position - latitude

- longitude

- Division

- Water Depth

End Position – - latitude

- longitude

- Division

- Water Depth

End time of tow (UTC)

Species names (Annex I.C)

Catch of each species (kilograms live weight)

Catch of each species for human consumption in the form of fish

Catch of each species for reduction

Discards of each species

By-Catch limits exceeded Art. 6 para 2 Y/N

Trial tow Art. 6 para. 3(c) Y/N

Place(s) of transhipment

Date(s) of transhipment

Master's signature

#### **Instructions:**

\* Please see Annex I.C for Species codes; Annex II.J for applicable gear and attachment codes.

## **Annex 18. Proposal to implement Cancel report to the NAFO Measures** (STACTIC Working Paper 12/20 now FC Doc. 12/15)

### **Background:**

The first time the proposal concerning cancel report was presented by delegation of the Russian Federation at the STACTIC meeting in September 2010 (STACTIC WP 10/15 revised). It was agreed to send this proposal to the Advisory Group for Data Communication (AGDC) for technical review. AGDC at its meeting held in May 2011 discussed and revised the proposal and found it technically feasible (AGDC 2011-2-19. rev1). It was agreed to send the proposal to STACTIC and PECCOE for consideration. The proposal (STACTIC WP 11/31) was discussed at the STACTIC meeting held in September 2011 but there was no consensus on this issue.

The present proposal applies only to hail reports (COE, COX, CAT, COB, TRA, POR and OBR) **and not to VMS reports.**

It should be noted that PECCOE at its meeting held in October 2011 considered and approved the similar proposal submitted by the Russian Federation (PE 2011-03-28 rev4) and NEAFC at its annual meeting in November 2011 adopted it (NEAFC Recommendation 9:2012). Thus, NEAFC has introduced Cancel report starting from 2012.

### **Proposal:**

1. Add the following text to the end of Article 25.2:

“These reports may be cancelled using the format specified in Annex II.F (8). If any of these reports is subject to correction, a new report must be sent without delay after Cancel report within time limits set out in this paragraph.

In case the flag state FMC accepts the cancellation of a report from its vessel it shall communicate it to the Secretary without delay”.

2. Add the following to the end of the Annex II.F:

#### 8) “CANCEL” report

<b>Data Element</b>	<b>Field Code</b>	<b>Mandatory/ Optional</b>	<b>Requirements for the field</b>
Start record	SR	M	System detail; indicates start of record
From	FR	M	Name of the transmitting Party
Address	AD	M	Message detail; destination, “XNW” for NAFO
Type of Message	TM	M	Message detail; message type, “CAN <sup>1</sup> ” as Cancel report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Cancelled report	CR	M	Message detail; the record number of the report to be cancelled
Year of the report cancelled	YR	M	Message detail; year of the report to be cancelled
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

<sup>1</sup>Cancel report should not be used to cancel other Cancel report.

3. Add two rows to the Annex II.D(C) to the category “Message Details”.

Cancelled report	CR	Num*6	NNNNNN	Number of the record to be cancelled
Year of the report cancelled	YR	Num*4	NNNN	Year of the report to be cancelled

4. Add the following row to the Annex II.D(E) “Types of reports and messages”.

II.F	Article 25.2	CAN	cancel	Report for cancellation of a report set out in the Article 25.2
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**Recommendation 9: 2012**

**THE NORTH-EAST ATLANTIC FISHERIES COMMISSION AT ITS ANNUAL MEETING IN NOVEMBER 2011 ADOPTED, IN ACCORDANCE WITH ARTICLE 8 OF THE CONVENTION ON FUTURE MULTILATERAL COOPERATION IN NORTH-EAST ATLANTIC FISHERIES, AMENDMENTS TO ARTICLE 14 AND ANNEXES IV, VIII AND IX OF THE “SCHEME OF CONTROL AND ENFORCEMENT IN RESPECT OF FISHING VESSELS FISHING IN AREAS BEYOND THE LIMITS OF NATIONAL FISHERIES JURISDICTION IN THE CONVENTION AREA” AS FOLLOWS:**

1. Add the new paragraph 4 to the Article 14:
  4. The reports set out in Articles 12 and 13 may be cancelled using the format specified in Annex VIII 7). If a report set out in Article 12 or 13 is subject to correction, a new report must be sent without delay after the Cancel report within time limits set out in Articles 12 and 13.

If the flag state FMC accepts the cancellation of a report from its vessel it shall communicate it to the Secretary.

2. Add the following to the end of the Annex VIII:

Annex VIII 7) “CANCEL” report

<b>Data Element</b>	<b>Field Code</b>	<b>Mandatory/Optional</b>	<b>Remarks</b>
Start record	SR	M	System detail; indicates start of record
From	FR	M	Name of the transmitting Party
Address	AD	M	Message detail; destination, “XNE” for NEAFC
Type of Message	TM	M	Message detail; message type, “CAN <sup>1</sup> ” as Cancel report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Cancelled report	CR	M	Message detail; the record number of the report to be cancelled
Year of the report cancelled	YR	M	Message detail; year of the report to be cancelled
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

<sup>1</sup>A Cancel report shall not be used to cancel another Cancel report

### **Annex 19. Proposal to implement error codes for duplicated reports/messages received by the Secretariat**

(STACTIC Working Paper 12/21, Revised now FC Doc. 12/15)

#### **Background:**

In accordance with Measures (Annex II.D.2): *“If a Contracting Party so requests, the Secretary shall send a return message every time an electronic transmission of a report or message is received”*.

When FMC of such Contracting Party sends to the NAFO Secretariat via HTTPs any report or message it expects to receive the return message (RET) to be confirmed that electronic report or message was received and accepted/unaccepted in the NAFO data base. If the RET message was not received by FMC during the certain timeframe it attempts to resend such report or message to the NAFO Secretariat again. As practice shows, in such situation, in most cases FMC receives the RET message having NAK with misleading error number 102 (data value or size out of range) as reaction even on faultless repeated report or message.

It should be noted that the similar proposal was discussed at the meeting of Advisory Group for Data Communication (AGDC) in May 2011 and it was agreed to send the proposal to PECCOE for adoption (AGDC 2010-2-18rev1). PECCOE at its meeting held in October 2011 had considered and approved this proposal (PE 2011-03-15 rev1) and NEAFC at its annual meeting in November 2011 adopted it (NEAFC Recommendation 10:2012, part 1). Thus, NEAFC has introduced these new error codes starting from 2012.

#### **Proposal:**

Add two rows to the Annex II.D.2.B “Return error numbers”:

Subject/Annex	Errors		Error cause
	Follow-up action required	Accepted	
Communication	105		This report is a duplicate; attempt to re-send a report previously rejected
		155	This report is a duplicate; attempt to re-send a report previously accepted

**Recommendation 10: 2012**

***THE NORTH-EAST ATLANTIC FISHERIES COMMISSION AT ITS ANNUAL MEETING IN NOVEMBER 2011 ADOPTED, IN ACCORDANCE WITH ARTICLE 8 OF THE CONVENTION ON FUTURE MULTILATERAL COOPERATION IN NORTH-EAST ATLANTIC FISHERIES, AMENDMENTS TO ANNEX IX OF THE “SCHEME OF CONTROL AND ENFORCEMENT IN RESPECT OF FISHING VESSELS FISHING IN AREAS BEYOND THE LIMITS OF NATIONAL FISHERIES JURISDICTION IN THE CONVENTION AREA” AS FOLLOWS:***

1. Add two rows to the Annex IX D 2b)

Subject/Annex	Errors		Error cause
	Follow-up action required (NAK)	Accepted (ACK)	
Communication	105		This report is a duplicate and has got the status Not acknowledge (NAK), because this was the status when received earlier
		155	This report is a duplicate and has got the status Acknowledge (ACK), because this was the status when received earlier.

2. Add new text to paragraph “Communication Security” of point 4 of Appendix 1 to Annex IX (new text underlined)

**Communication Security**

Appropriate encryption protocols duly tested by the Secretariat and approved by the Commission shall be applied to ensure confidentiality and authenticity. Key management policy shall be in place to support the issue of cryptographic techniques, in particular, the integrity of the PKI (public key infrastructure) will be guaranteed by ensuring that digital certificates correctly identify and validate the party submitting the information.

**Annex 20. Annual Compliance Review 2012**  
**(Compliance Report for Fishing Year 2011)**  
(STACTIC Working Paper 12/28, Revised now FC Doc. 12/23)

## 1. Introduction

This compliance review is being undertaken in accordance with Rules 5.1 and 5.2 of the Fisheries Commission Rules of Procedure. The scope of the review is to determine how international fisheries complied with the annually updated NAFO Conservation and Enforcement Measures (NCEM) when fishing in the NAFO Regulatory Area (NRA), and assess the performance of NAFO Contracting Parties with regard to their reporting obligations.<sup>4</sup>

The current 2012 NAFO compliance review utilizes information for the years 2004 to 2011 from the following sources: vessel monitoring system (VMS) and hail messages delivered by the vessels, Port Inspection Reports, At-sea Inspection Reports and Reports on Dispositions of Apparent Infringements provided by the Contracting Parties, and Observer Reports sent to the Secretariat.

## 2. Fishing effort in the NAFO Regulatory Area

NAFO identifies three main fisheries in its Regulatory Area: the groundfish (GRO - primarily in Div. 3KLMNO), shrimp (PRA - primarily in Div. 3LM) and pelagic redfish fisheries (RED - primarily in Div. 1F and 2J).

The fishing effort is measured by the number of active vessels and the days of presence by vessel per year in the NRA. Vessel-days are determined by the position reports transmitted by the vessels every hour via the vessel's VMS system. The VMS reports are received by the Secretariat from the respective Fisheries Monitoring Centres (FMC) of the flag State Contracting Parties.

In 2011, there were 56 fishing vessels spending a total of 5 310 days in the NRA. 156 trips were identified. Groundfish fishery accounts for the majority of the total fishing effort (93%). Generally the vessels fish exclusively in one type of fishery, except for one vessel which engaged in both shrimp and groundfish fishing. Although there was a decrease of more than a third of the total number of days of the shrimp fishing effort in 2011 compared to the previous year, an overall 11% increase of the total fishing effort was observed (Table 1). The net increase could be attributed to the re-opening of 3M cod and 3LN redfish fisheries (both considered part of the groundfish fishery) in 2010. Shrimp fishing effort had continued its decline since the 3M shrimp moratorium in 2010. The pelagic redfish fishing effort was exerted prior to July 2011 when the moratorium enforced. The groundfish fishing effort was back to the 2007-2008 level (Figure 1).

Table 1. 2010-2011 Comparison of Fishing Effort in the NAFO Regulatory Area.

Number of fishing vessels					Effort (Days present)				
Year	Groundfish	Shrimp	Pelagic Redfish	TOTAL	Year	Groundfish	Shrimp	Pelagic Redfish	TOTAL
2010	42	16	2	<b>53</b>	2010	4170	584	14	<b>4768</b>
2011	47	8	2	<b>56</b>	2011	4922	360	18	<b>5300</b>
% change	11.9%	-50.0%	0.0%	<b>5.7%</b>	% change	18.0%	-38.4%	28.6%	<b>11.2%</b>

For the period 2004-2011, the overall fishing activities in the NRA show a declining trend, from 134 active vessels in 2004 to 56 in 2011, representing a 58 % decrease (Figure 1).

The decline is even more pronounced in terms of overall fishing days, with a 71% decrease for the same period, from 16,480 days in 2004 to 5310 days in 2011. The average number of days each vessel operates in the NRA declined as well, from 123 days in 2004 to 95 days in 2011.

Figure 1 illustrates the changes described above for each of the major fisheries. The general decline since 2004 is observed for the three fisheries, with the pelagic redfish fishery being close to disappearance in 2009. Relative stabilisation is noted since 2009. NAFO fisheries remain dominated by the groundfish category. In 2011, groundfish accounts for 93% of the total fishing effort, shrimp for around 7 %, and the pelagic redfish fishery represents less than 1 percent.

<sup>4</sup> For the purpose of this compliance analysis, only fishing trips which ended in 2011 were considered. Fishing trip for a fishing vessel includes "the time from its entry into until its departure from the Regulatory Area and continues until all catch on board from the Regulatory Area is unloaded or transhipped" (Article 1.7 of the NCEM).

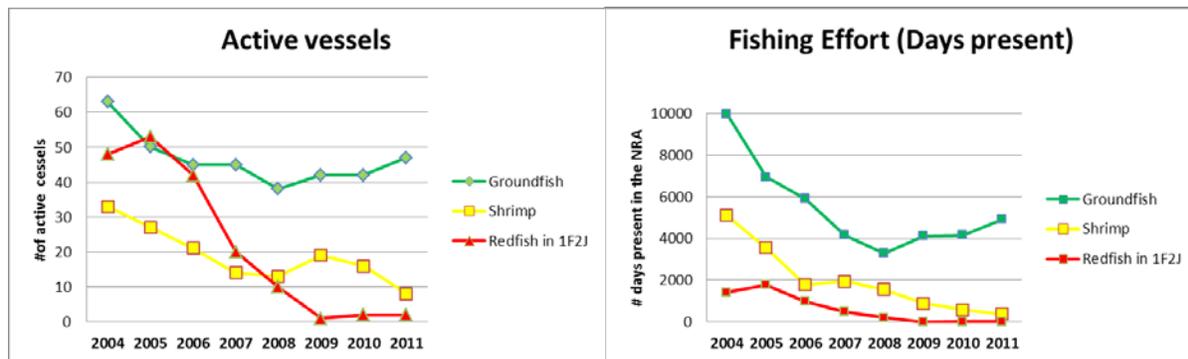


Fig. 1. The trend of fishing effort in the NAFO Regulatory Area in the period 2004-2011.

### 3. Compliance by Fishing Vessels

Through the at-sea and port inspections, NAFO monitors, controls and conduct surveillance of the fisheries in the NRA exposing infringements of the NAFO regulations and collecting evidence for the following prosecution within the legal system of each NAFO flag State Contracting Party.

#### Position reporting – Vessel Monitoring System (VMS)

Vessels in the NRA are required to transmit position reports at one hour intervals. In addition, the course and speed information must be included in the position reports. Examination of the position reports revealed that vessels were compliant to this requirement. The position reports were received by the Secretariat (through the FMCs) in practically real-time. When technical difficulties were encountered by the vessels in complying with the position reporting requirements, the position reports were transmitted electronically by other means (by email) and promptly entered into the VMS database by the Secretariat. Generally, the technical issues were resolved at most within a few days through the coordination and communication between the Secretariat and the FMCs. The timeliness of submission of position reports was not an issue since VMS reports were being received by the Secretariat and CPs with inspection presence in real-time through satellite technology.

#### Activity and catch reporting– Vessel Transmitted Information (VTI)

Vessels in the NRA are required to report during their fishing trips detailing their activities (e.g. transshipments) and catches. Activity and Catch reports are transmitted through the same technology and communication channel as the transmission of VMS (positions) reports.

Catch quantities on board upon entry to and exit from the NRA must be reported (COE and COX). While fishing in the NRA, fishing vessels are required to transmit daily catch notifications (CAT) detailing catch quantities by species and division.

COE and COX reports should account for each fishing trip. Ideally, a 100% coverage would mean that all expected COEs are paired up with all expected COXs, i.e. a full compliance to the requirement. In 2011, 99% coverage was observed as only one vessel was not able to transmit a COX message.

In 2011, the transmission of the CAT became a daily requirement. During the first month of implementation, not all vessels could comply with the daily reporting requirement. At that time, the Secretariat and the Fisheries Monitoring Centres (FMC) were coordinating in resolving technical issues with regards to the new daily reporting requirement. By the end of January 2011, all fishing vessels in the NRA were able to transmit the daily CAT reports. Another reason for the less- than -100% compliance in the months of January and February is that for some vessels their fishing trips started in the latter part of 2010 during which time the daily requirement was not yet in force. The CAT reports have proven to be useful in monitoring quota uptakes of the Contracting Parties.

#### At-sea inspections

The NAFO Joint Inspection and Surveillance Scheme is implemented to ensure compliance of fishing vessels fishing in the NRA. Inspectors are appointed by Contracting Parties and assigned to fishery patrol vessels tasked to carry out NAFO inspection duties.

The total number of at-sea inspections dropped from 214 in 2010 to 200 in 2011. With the increase of total fishing effort, inspection rate (number of inspections/fishing effort) decreased from 4.5% in 2010 to 3.8 in 2011%. There were

no at-sea inspections of pelagic redfish trips since 2009. Eight apparent infringements (AI) were detected by the at-sea inspectors and the AI citations were issued to seven vessels (see below for details).

Although there is no target for at-sea inspection rates, the overall inspection rate has remained stable since 2006, hovering at 4.5% (Figure 2).

This evolution of inspection rates indicates that at-sea inspections were carried out in proportion to the fishing effort for each of the fishing category, suggesting equal treatment and equitable distribution of inspections (Figure 2).

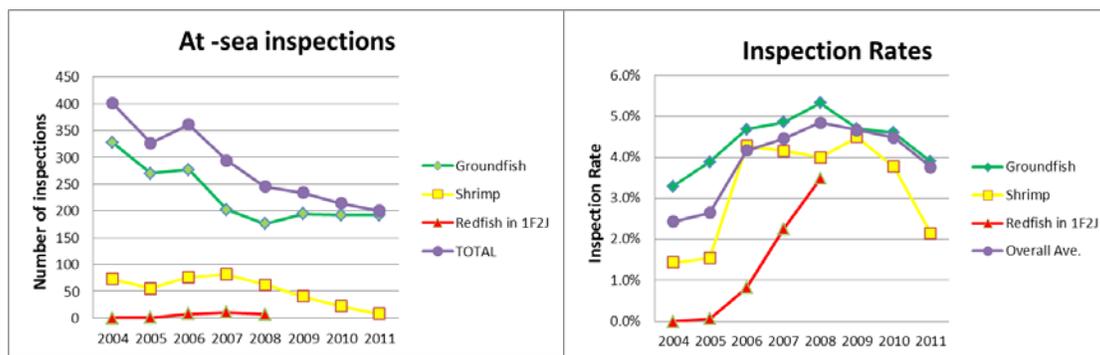


Fig. 2. Number of At-Sea Inspections and Inspection rates (number of at-sea inspection/vessel-days) in the NAFO Regulatory Area by fishery type.

### Port inspections

Prior to 2009, port State Contracting Parties were required to conduct port inspections on **all** vessels landing or transshipping fish species from the NRA, i.e. 100% coverage. Since the adoption of the Port State Control measures in 2009, the 100% coverage has been maintained for vessels landing NAFO species under recovery plans, in particular Greenland halibut. When landing catch species not under recovery plans, port inspections are not required if the vessel flag State Contracting Party and the port State Contracting Party are the same; if the flag State and the port State are different, the latter is required to conduct port inspections only 15 % of the time.

Traditionally, port inspections also serve to confirm AIs that were detected by at-sea inspections. In some occasions port inspectors issue citations of AIs to vessels, which were not detected by the at-sea inspectors. The citations were mostly AIs involving misreporting of catches. In 2011, 95 port inspection reports were received by the Secretariat, 90 of which were associated with Greenland halibut landings. As in 2010, no AI was issued by port State authorities in 2011.

### Citation rates

The annual citation rate (the number of citations issued in relation to the number of inspections conducted) for at-sea inspections ranges between 2.0 in 2008 and 6.1 in 2005. In 2011, the citation rate for at-sea inspections was 4.0, with a relative increase from the previous year. In contrast, the citation rate for port inspections ranges between 15.2 in 2007 and zero in 2010 and 2011 (Figure 3).

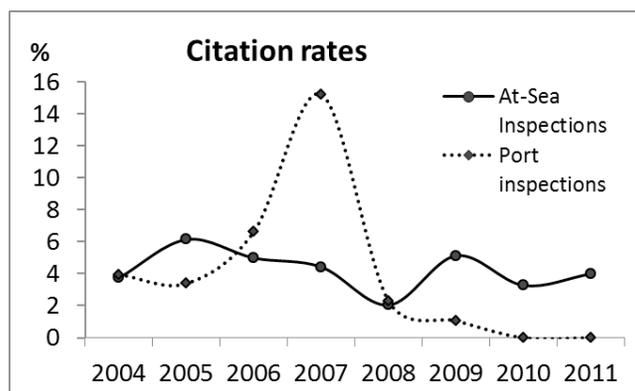


Fig. 3. Percentage of inspections that resulted in a citation at sea and in port

### Closed areas and Exploratory Fisheries

Since 2007, in total 18 areas in NAFO have been closed to bottom fishing including 11 significant coral and sponge areas, one coral protection zone and six seamounts. To control the presence of vessels in such areas, NAFO has adopted VMS position reporting at one hour intervals. The conservation and enforcement measures concerning the protection of the VMEs are stipulated in Chapter II of the NCEM.

An examination of the VMS position reports revealed that all the closed areas were respected. Fishing activities were generally confined within the footprint, except for one vessel which fished in Division 6G (in the environs of the closed Corner Seamounts) for nine days. It is not known whether the fishing gear used interacted with the sea bottom, in which case the fishing activity would be covered by the provisions on exploratory fishing in Chapter II of the NCEM.

### Catch reporting on sharks

Fishing for the purpose of collecting shark fins is prohibited under Article 17 of the 2011 NCEM. Sharks species taken in NAFO fisheries are not associated with shark finning practices, and there has never been an incident of shark finning observed in the NRA.

It has been noted that there has been a lack of species-specific reporting of shark catches in the NRA. In this regard, it became a requirement in 2012 to report, the extent possible, all shark catches at the species level (Article 25.3 of 2012 NCEM).

### Apparent infringements

Each citation issued by NAFO inspectors can list one or more apparent infringements (AI). Article 37 of the 2011 NCEM listed ten AI's considered serious. The list was expanded to 14 in 2012 (Article 35 of the 2012 NCEM). In 2011, eight AI's were detected, all of which by at- sea inspectors, in different fishing trips. Seven distinct vessels were involved. The nature of the AIs ranges from bycatch requirements (considered serious) to stowage and capacity plans (considered non-serious). Table 2 shows the details of the AIs issued to fishing vessels in 2011.

Table 2. Details of Apparent Infringements (AI) detected in 2011.

A#	Vessel Code	Inspection Date	SA or Port Location	Directed Species (according to COE)	Apparent Infringement	Serious citation?	Article (2011 NCEM)	Descriptive (from AI Statement Report)	Disposition/Followup action in compliance with Art. 42 of 2011 NCEM	STATUS as of May 2012, as reported by CP
1	53	07-Mar-11	3O	COD RED GHL	By-catch requirements	Yes	Art. 12.3.a	Conducting a directed fishery for which by-catch limits apply.	Strong written warnings	Closed
2	43	24-Apr-11	3L	GHL RED	Stowage plans	No	Art. 24.6	Failing to maintain an up to date accurate stowage plan.	The AI was not confirmed during port inspection in Vigo	Closed
3	32	01-May-11	3M	COD	Stowage plans	No	Art. 24.6	Failing to keep a stowage plan	Strong verbal rebrief	Closed
4	53	21-May-11	3N	RED GHL	Product Labelling	No	Art. 23	Failing to clearly mark product as having being caught in the Regulatory Area.	Strong written warnings	Closed
5	30	28-Jun-11	3N	GHL RED SKA	Stowage Plans	No	Art. 24.6	Failing to keep a stowage plan that shows the location of different species in the hold.	Captain fined 40 Euros	Closed
6	51	02-Jul-11	3N	GHL RED	Stowage Plans	No	Art. 24.6	Failing to keep a stowage plan that shows the accurate location and quantity of GHL in the hold.	Pending	Pending
7	13	02-Aug-11	3O	COD RED GHL	Mesh Size <sup>a</sup>	No	Art. 13.1	Using a trawl to fish groundfish with a mesh size less than 130 mm. Normally considered serious, but taking into account the location of the undersized mesh a serious AI was not issued.	Could not be confirmed during port inspection at Vigo in July 2011	Closed
8	11	24-Oct-11	3M	PRA	Capacity Plans	No	Art. 21.3	Failure to provide an up-to-date capacity plan.	Pending	Pending

<sup>a</sup> Mesh size violations are normally considered serious but in this case the inspectors considered it non-serious due to the location in the gear of the netting panel with undersized mesh.

Figure 4 shows the evolution of the total number of AIs that have been issued at-sea and in port for each year since 2004. In 2011, eight AIs were detected, only one of which is considered serious. In comparison with 2010, there were seven AIs four of which were considered serious. No AI was detected by port authorities in 2010 and 2011. Figure 5 shows the composite list of different AIs and the frequency of cases between 2004 and 2011.

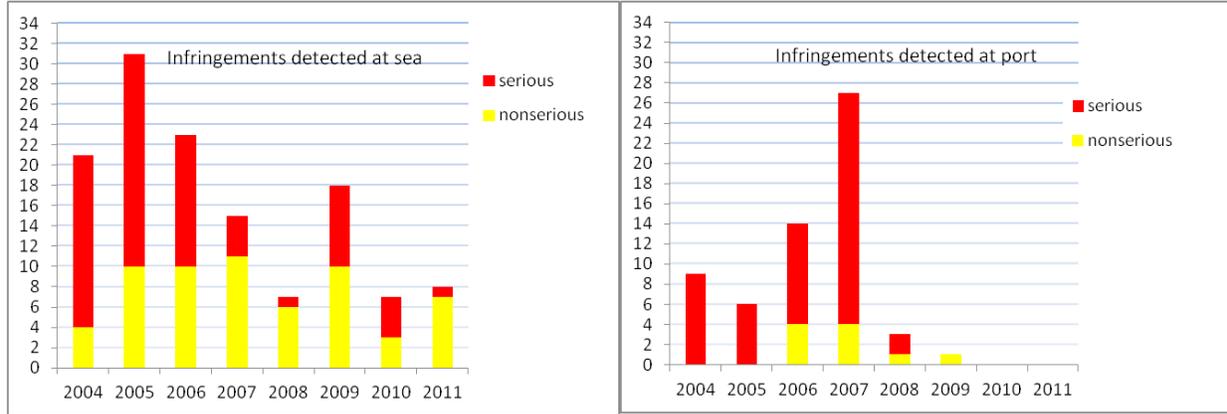


Fig. 4. Number of Apparent Infringements detected by NAFO at-sea and port inspectors for 2004-2011.

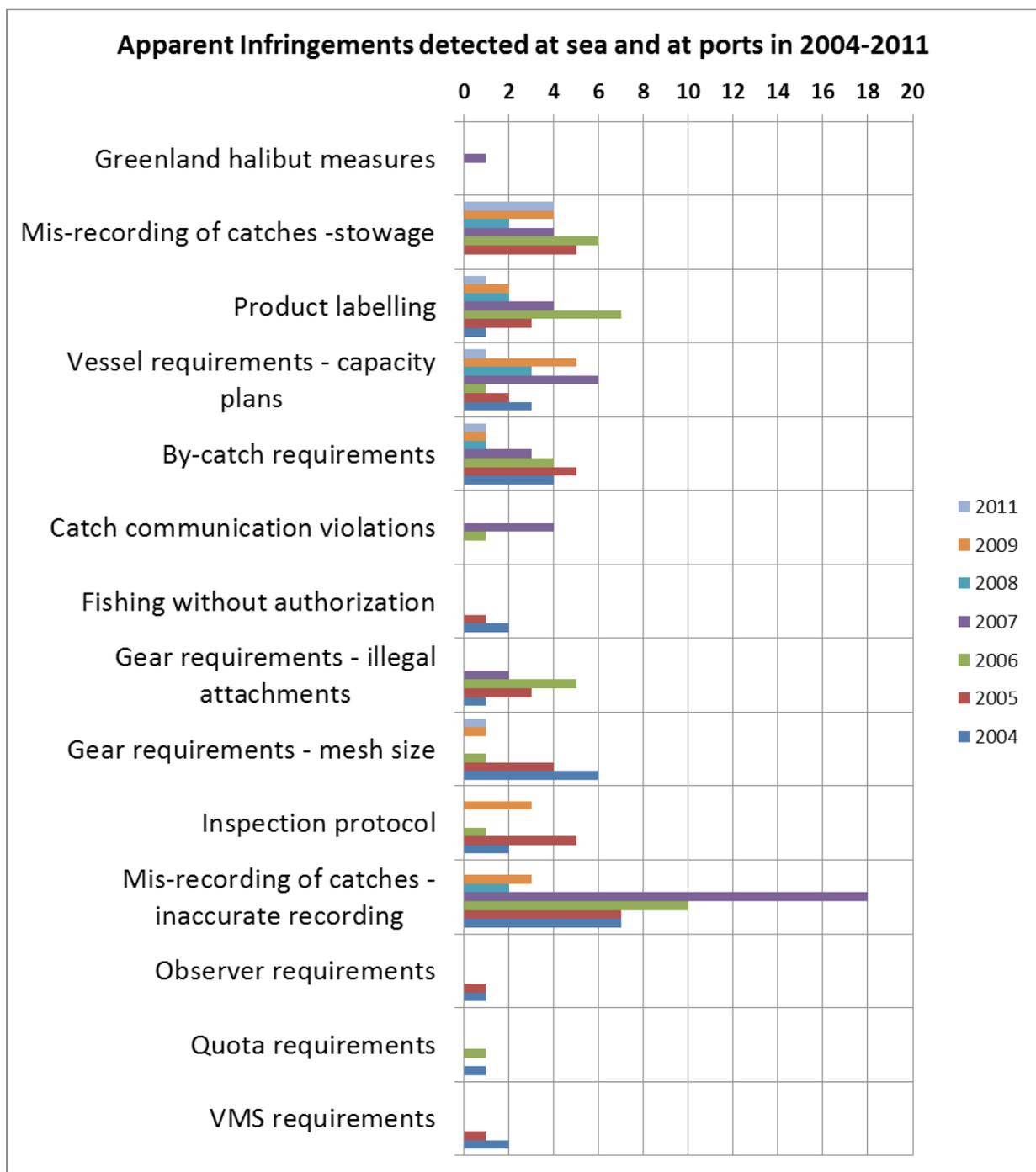


Fig. 5. Apparent infringements detected by NAFO at-sea and port inspectors in 2004 -2011. The first four types of AI are considered non-serious and the remaining 10 are usually considered serious infringements.

#### 4. Reporting obligations by NAFO Contracting Parties and Observers

The NCEM obliges vessels and Contracting Parties to provide reports on their activity within a determined time frame. The completeness and regular delivery of those reports in time are of key importance to evaluating overall compliance. In evaluating the completeness, reports were examined to determine which fishing trips were covered by the reports. The percentage coverage is computed as a ratio of fishing days accounted for by the reports and total fishing days effort in the NRA. Less than 100% coverage suggests that there were missing reports that should have been received by the Secretariat.

### Port inspection reports

When vessels land their catches, the port inspectors report on the quantity of catches as well as the fishing trip details. However, the port inspection is not mandatory for all landings from NAFO fisheries: compulsory port inspections are required for any vessel landing species subject to a NAFO recovery plan, and for 15 % of landings by vessels of another Contracting Party, on an annual basis, in accordance with the Port State Measures adopted in 2009.

To evaluate the compliance of port State authorities in conducting inspections, only trips which landed Greenland halibut were examined. 90 of 125 identified fishing trips landed Greenland halibut. Of the 90 trips (4633 days-effort), 86 trips (4442 days-effort) had corresponding port inspection reports --- 96% coverage in terms of the fishing-day effort, above the coverage range in 2004-2010 (which was between 79% in 2005 and 91% in 2008) (see Figure 5).

The new Port State measures did not affect the actual percentage coverage of port inspections because of the importance of landings of groundfish species subject to recovery plan (e.g. Greenland halibut).

### Observer reports

Under the traditional scheme, vessels are required to have an independent compliance observer on board at all times in every fishing trip (Article 27.A of the 2012 NCEM). Since 2007, Contracting Parties (CPs) have the option of the electronic reporting scheme. Under this “electronic” scheme, CPs may allow their vessels to have observers onboard only 25% of the time the vessels are on a fishing trip (Article 27.B of the 2012 NCEM). CPs must give prior notification to the Secretariat which vessels participate in the electronic scheme.

Observers in the “traditional” scheme” are committed to deliver within 30 days after their assignment period their observer report, which contains information on date of fishing trip as well as catch and effort. Observers under the “electronic scheme” are required to report daily the catches and discards (OBR) while the fishing master transmits the daily catch reports (CAX) every trip. The CAX and OBR reports are transmitted through the same technology and communication channels as the VMS.

As in the port inspection reports, percentage coverage was computed as the ratio of the fishing days accounted for by the observers and the total fishing days in the NRA. In 2011, the percentage coverage was 62%, i.e. only 3 310 days out of 5300 were covered by observer reports and CAX/OBR reports. It is the lowest percentage coverage since the 2004 when such percentage coverage was first estimated (Figure 6).

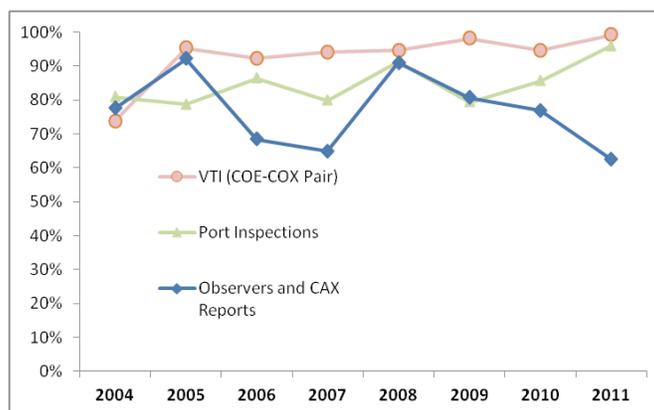


Fig. 6. Percentage coverage of fishing effort by VTI (COE-COX Pairs), Port Inspection and Observer Reports as a measure of compliance to report submission requirements.

Observer reports may be crosschecked with port inspection reports, for relevant fishing trips, for a comparative analysis of catches. According to Article 27.A, the observers shall record, among others, the catch and effort data for each haul. The Secretariat has noted that not all observers’ reports contain the required information on catch and effort on a haul by haul basis.

### Timeliness of submission of reports

The timeliness of reports submitted to the NAFO Secretariat is an important issue: VMS messages are required to be provided every hour; haul messages at each entry and exit from the NRA as well catch reports on a daily basis (VTI); observers and at-sea inspection reports are required to be submitted within 30 days and port inspection reports (PSC3 forms) should be sent to the Executive Secretary “without delay.” For the purpose of timeliness analysis, PSC 3 forms received more than 30 days after the date of port inspection were considered late. VMS and VTI messages were not

included in the timeliness analysis as they are received practically in real time through satellite technology.

Figure 7 shows the timeliness of submission of at sea inspection, observer and port inspection reports. In 2011, there was no improvement in the overall timeliness of the submission of the reports. Less than half of the number of observer reports was received on time (35%). Timeliness in the submission of at-sea and port inspection reports was 48% and 44%, respectively.

At-sea and port inspection reports containing citations of infringements were always transmitted to the Secretariat without delay.

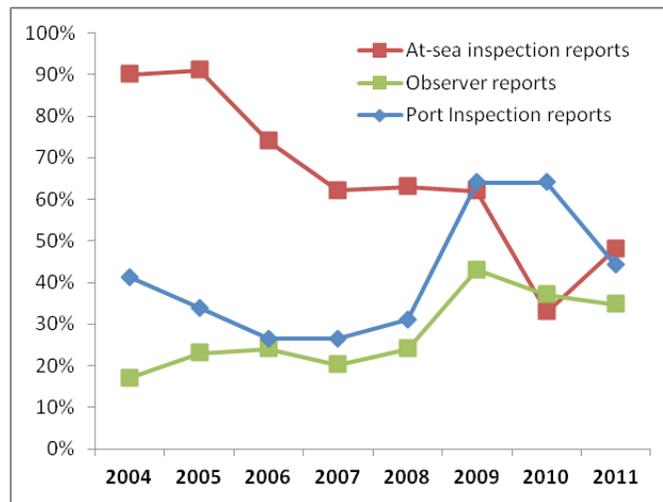


Fig. 7. Timeliness of submission of reports

## 5. Follow-up to infringements

Contracting Parties are obligated to follow-up with further investigations and legal prosecution when NAFO inspectors issue a citation against a Contracting Party vessel (Article 36). In 2011, eight AI were detected, six of which are already resolved and two are pending. Details of the AIs and the follow-up actions are presented in Table 2.

The status of each AI case must be reported to the Secretariat annually until the case is resolved (Article 37), since the legal procedure can take longer than one year due to of the legal procedures in force in each Contracting Party. There has been an improvement in the last two years (2010 and 2011) in the CP's compliance to Article 37 as follow-up actions to all AI were reported to the Secretariat. During this current compliance review period, two pending cases first reported in 2008 and three pending cases first reported in 2009 are now considered closed as fines and sanctions to the offending vessel have been applied. Table 3 presents the summary of the status of AI cases and their resolution for past five years.

Table 3 Legal resolution of citations against vessels fishing in the NAFO Regulatory Area by year in which the citations were issued (as of August 2012). 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 included.

Year	Number of Reports with AI Citation/s	Resolved cases		Pending cases	No follow-up information from CPs
		Number	%		
2007	32	25	78%	2	5
2008	8	5	63%	3	0
2009	13	6	46%	4	3
2010	7	3	43%	4	0
2011	8	6	75%	2	0
<b>Total</b>	<b>68</b>	<b>45</b>	<b>66%</b>	<b>15</b>	<b>8</b>

## 6. Observed Trends

- After a steady year on year decline since 2004, total fishing effort appears to have stabilized at circa 5000 days present in the NRA each year. In parallel the steady decline in vessel numbers active in the NRA appears to have leveled out at circa 50 vessels per annum.
- A gradual decline in fishing effort in the shrimp fishery has been observed from 889 in 2009, 584 in 2010 and 360 in 2011. The number of vessels active in the shrimp fishery has declined from 20 in 2009, 16 in 2010 and 8 in 2011.
- Although effort in the shrimp fishery has declined, overall effort in the NRA has been stable indicating that effort has been diverted from the shrimp fishery to the groundfish fishery.
- The number of at sea inspections has reduced from 401 in 2004 to 200 in 2011 but the inspection rate has actually increased from 2.4% in 2004 to 3.8% in 2011 (dropping slightly from 4.5% in 2010).
- Port inspection coverage of landings remains high owing to the high number of landings of species subjected to a recovery plan, particularly groundfish.
- A few minor problems were experienced at the introduction of the CAT messages during the beginning of 2011, however the reporting rate quickly improved with all vessels transmitting CAT reports by the end of January.
- The at-sea citation rate has remained stable averaging circa 4% since 2004.
- A higher proportion of citations over the last 2 years has been attributed to labeling and stowage infringements.
- Timeliness and submission of inspection and observer reports remain an area requiring improvement.

## 7. Recommendations

*At the next intercessional STACTIC will explore the utility of expanding the report to include geospatial information and reporting on the joint inspection scheme.*

## 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%
2008	5054	4785	95%	4613	91%	4596	91%
2009	5016	4920	98%	3981	79%	4047	81%
2010	4768	4510	95%	4084	86%	3665	77%
2011	5300	5254	99%	4442	96%	3310	62%

\*COE = Catch on entry, COX = Catch on exit, TRA = transhipment, CAX = Daily catch report

**Table 2. Timely submission of Port Inspection Reports**

Year	2004	2005	2006	2007	2008	2009	2010	2011
Total Number of Port Inspection Reports received	228	177	151	125	133	94	101	95
Total Number of Port Inspection Reports received late	134	117	111	92	92	34	36	53
Percentage % of late Port Inspection Reports	59%	66%	74%	74%	69%	36%	36%	56%

NB. Copy of Port Inspection reports (PSC 3) must be forwarded to the Secretariat by the port States without delay (Art. 14 of 2012 NCEM).

**Table 3. Timely submission of At-Sea Inspection Reports**

Year	2004	2005	2006	2007	2008	2009	2010	2011
Total Number of at-sea Inspections	401	326	361	296	263	324	215	206
Number of at-sea Inspections received late	40	30	95	112	96	124	144	107
Percentage % of late at-sea Inspection Reports	10%	9%	26%	38%	37%	38%	67%	52%

NB At-sea inspection reports must be forwarded to the flag State Contracting Party, if possible within 30 days of the inspection (Article 33.3a of the 2012 NCEM).

**Table 4. Timely submission of Observer Reports**

Year	2004	2005	2006	2007	2008	2009	2010	2011
Total Number of Observers Reports	211	170	114	84	126	86	76	72
Number of Observers Reports received late	176	131	87	67	96	49	48	47
Percentage % of late Observers Reports	83%	77%	76%	80%	76%	57%	63%	65%

NB. Copy of Observer reports (PSC 3) must be forwarded to the Secretariat by the observers within 30 days after their assignment (Article 27 a.2.g of the 2012 NCEM)

**Table 5-2004, part 1. Effort, at-sea inspections and AIs by fisheries type**

<b>Fisheries*</b>	<b>GRO</b>	<b>PRA</b>	<b>REB</b>	<b>Total</b>
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
<b>AIs issued by category - from at-sea inspections***</b>				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labeling	0	1	0	1
Vessel requirements - capacity plans	3	0	0	3
<b>By-catch requirements</b>	3	0	0	3
<b>Catch communication violations</b>	0	0	0	0
<b>Fishing without authorization</b>	0	1	0	1
<b>Gear requirements - illegal attachments</b>	1	0	0	1
<b>Gear requirements - mesh size</b>	5	0	0	5
<b>Inspection protocol</b>	2	0	0	2
<b>Mis-recording of catches - inaccurate recording</b>	1	0	0	1
<b>Observer requirements</b>	0	1	0	1
<b>Quota requirements</b>	1	0	0	1
<b>VMS requirements</b>	0	2	0	2
<b>TOTAL</b>	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**

<b>FISHERIES*</b>	<b>GRO</b>	<b>PRA</b>	<b>REB</b>	<b>Total</b>
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
<b>AIs issued by category - from port inspections***</b>				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labeling	0	0	0	0
Vessel requirements - capacity plans	0	0	0	0
<b>By-catch requirements</b>	1	0	0	1
<b>Catch communication violations</b>	0	0	0	0
<b>Fishing without authorization</b>	1	0	0	1
<b>Gear requirements - illegal attachments</b>	0	0	0	0
<b>Gear requirements - mesh size</b>	1	0	0	1
<b>Inspection protocol</b>	0	0	0	0
<b>Mis-recording of catches - inaccurate recording</b>	6	0	0	6
<b>Observer requirements</b>	0	0	0	0
<b>Quota requirements</b>	0	0	0	0
<b>VMS requirements</b>	0	0	0	0
<b>TOTAL</b>	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
<b>AIs issued by category - from at-sea inspections***</b>				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	5	0	0	5
Product labeling	2	1	0	3
Vessel requirements - capacity plans	2	0	0	2
<b>By-catch requirements</b>	2	0	0	2
<b>Catch communication violations</b>	0	0	0	0
<b>Fishing without authorization</b>	0	1	0	1
<b>Gear requirements - illegal attachments</b>	2	1	0	3
<b>Gear requirements - mesh size</b>	3	0	0	3
<b>Inspection protocol</b>	3	1	0	4
<b>Mis-recording of catches - inaccurate recording</b>	5	1	0	6
<b>Observer requirements</b>	0	1	0	1
<b>Quota requirements</b>	0	0	0	0
<b>VMS requirements</b>	0	1	0	1
<b>TOTAL</b>	24	7	0	31

\* 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 5-2005, 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
<b>AIs issued by category - from port inspections***</b>				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labeling	0	0	0	0
Vessel requirements - capacity plans	0	0	0	0
<b>By-catch requirements</b>	3	0	0	3
<b>Catch communication violations</b>	0	0	0	0
<b>Fishing without authorization</b>	0	0	0	0
<b>Gear requirements - illegal attachments</b>	0	0	0	0
<b>Gear requirements - mesh size</b>	1	0	0	1
<b>Inspection protocol</b>	1	0	0	1
<b>Mis-recording of catches - inaccurate recording</b>	1	0	0	1
<b>Observer requirements</b>	0	0	0	0
<b>Quota requirements</b>	0	0	0	0
<b>VMS requirements</b>	0	0	0	0
<b>TOTAL</b>	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
<b>AIs issued by category - from at-sea inspections***</b>				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	5	1	0	6
Product labeling	1	2	0	3
Vessel requirements - capacity plans	1	0	0	1
<b>By-catch requirements</b>	2	0	0	2
<b>Catch communication violations</b>	0	0	0	0
<b>Fishing without authorization</b>	0	0	0	0
<b>Gear requirements - illegal attachments</b>	2	2	1	5
<b>Gear requirements - mesh size</b>	0	0	1	1
<b>Inspection protocol</b>	0	1	0	1
<b>Mis-recording of catches - inaccurate recording</b>	4	0	0	4
<b>Observer requirements</b>	0	0	0	0
<b>Quota requirements</b>	0	0	0	0
<b>VMS requirements</b>	0	0	0	0
<b>TOTAL</b>	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
<b>AIs issued by category - from port inspections***</b>				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labeling	4	0	0	4
Vessel requirements - capacity plans	0	0	0	0
<b>By-catch requirements</b>	2	0	0	2
<b>Catch communication violations</b>	1	0	0	1
<b>Fishing without authorization</b>	0	0	0	0
<b>Gear requirements - illegal attachments</b>	0	0	0	0
<b>Gear requirements - mesh size</b>	0	0	0	0
<b>Inspection protocol</b>	0	0	0	0
<b>Mis-recording of catches - inaccurate recording</b>	6	0	0	6
<b>Observer requirements</b>	0	0	0	0
<b>Quota requirements</b>	1	0	0	1
<b>VMS requirements</b>	0	0	0	0
<b>TOTAL</b>	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	0	0	0
Mis-recording of catches -stowage	3	1	0	4
Product labeling	0	1	0	1
Vessel requirements - capacity plans	0	2	4	6
<b>By-catch requirements</b>	0	0	0	0
<b>Catch communication violations</b>	0	0	0	0
<b>Fishing without authorization</b>	0	0	0	0
<b>Gear requirements - illegal attachments</b>	0	1	1	2
<b>Gear requirements - mesh size</b>	0	0	0	0
<b>Inspection protocol</b>	0	0	0	0
<b>Mis-recording of catches - inaccurate recording</b>	2	0	0	2
<b>Observer requirements</b>	0	0	0	0
<b>Quota requirements</b>	0	0	0	0
<b>VMS requirements</b>	0	0	0	0
<b>TOTAL</b>	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	0	0	0
Product labeling	3	0	0	3
Vessel requirements - capacity plans	0	0	0	0
<b>By-catch requirements</b>	3	0	0	3
<b>Catch communication violations</b>	4	0	0	4
<b>Fishing without authorization</b>	0	0	0	0
<b>Gear requirements - illegal attachments</b>	0	0	0	0
<b>Gear requirements - mesh size</b>	0	0	0	0
<b>Inspection protocol</b>	0	0	0	0
<b>Mis-recording of catches - inaccurate recording</b>	16	0	0	16
<b>Observer requirements</b>	0	0	0	0
<b>Quota requirements</b>	0	0	0	0
<b>VMS requirements</b>	0	0	0	0
<b>TOTAL</b>	27	0	0	27

**Table 5-2008, part 1. Effort, at-sea inspections and AIs by fisheries type**

<b>FISHERIES*</b>	<b>GRO</b>	<b>PRA</b>	<b>REB</b>	<b>Total</b>
Number of vessels	38	13	10	60**
Days Present in NRA	3302	1551	201	5054
Number of at-sea inspections	176	62	7	245
Number of at-sea inspection report containing citation of one or more AIs	2	3	0	5
Number of vessels cited with AIs at sea	2	3	0	5
<b>AIs issued by category - from at-sea inspections***</b>				
Greenland halibut measures				0
Mis-recording of catches -stowage	1	1		2
Product labeling	1			1
Vessel requirements - capacity plans		3		3
<b>By-catch requirements</b>	1			1
<b>Catch communication violations</b>				0
<b>Fishing without authorization</b>				0
<b>Gear requirements - illegal attachments</b>				0
<b>Gear requirements - mesh size</b>				0
<b>Inspection protocol</b>				0
<b>Mis-recording of catches - inaccurate recording</b>				0
<b>Observer requirements</b>				0
<b>Quota requirements</b>				0
<b>VMS requirements</b>				0
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>7</b>

\* 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 5-2008, part 2. Effort, port inspections and AIs by fisheries type**

<b>FISHERIES*</b>	<b>GRO</b>	<b>PRA</b>	<b>REB</b>	<b>Total</b>
Number of vessels	38	13	10	60**
Days Present in NRA	3302	1551	201	5054
Number of port inspections	70	60	2	132
Number of port inspection report containing citation of one or more AIs	3	0	0	3
Number of vessels cited with AIs by port authorities	2			
<b>AIs issued by category - from port inspections***</b>				
Greenland halibut measures				0
Mis-recording of catches -stowage				0
Product labeling	1			1
Vessel requirements - capacity plans				0
<b>By-catch requirements</b>				0
<b>Catch communication violations</b>				0
<b>Fishing without authorization</b>				0
<b>Gear requirements - illegal attachments</b>				0
<b>Gear requirements - mesh size</b>				0
<b>Inspection protocol</b>				0
<b>Mis-recording of catches - inaccurate recording</b>	2			2
<b>Observer requirements</b>				0
<b>Quota requirements</b>				0
<b>VMS requirements</b>				0
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>

**Table 5-2009, part 1. Effort, at-sea inspections and AIs by fisheries type**

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	41	20	1	51**
Days Present in NRA	4122	889	5	5016
Number of at-sea inspections	194	40	0	234
Number of at-sea inspection report containing citation of one or more AIs	8	4	0	12
Number of vessels cited with AIs at sea	6	4	0	10
<b>AIs issued by category - from at-sea inspections***</b>				
Greenland halibut measures				0
Mis-recording of catches -stowage	4			4
Product labeling	1			1
Vessel requirements - capacity plans	3	2		5
<b>By-catch requirements</b>	1			1
<b>Catch communication violations</b>				0
<b>Fishing without authorization</b>				0
<b>Gear requirements - illegal attachments</b>				0
<b>Gear requirements - mesh size</b>	1			1
<b>Inspection protocol</b>	2	1		3
<b>Mis-recording of catches - inaccurate recording</b>	2	1		3
<b>Observer requirements</b>				0
<b>Quota requirements</b>				0
<b>VMS requirements</b>				0
<b>TOTAL</b>	14	4	0	18

\* 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 5-2009, part 2. Effort, port inspections and AIs by fisheries type**

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	41	20	1	51**
Days Present in NRA	4122	889	5	5016
Number of port inspections	73	21	0	94
Number of port inspection report containing citation of one or more AIs	1	0	0	1
Number of vessels cited with AIs by port authorities	1			
<b>AIs issued by category - from port inspections***</b>				
Greenland halibut measures				0
Mis-recording of catches -stowage				0
Product labeling	1			1
Vessel requirements - capacity plans				0
<b>By-catch requirements</b>				0
<b>Catch communication violations</b>				0
<b>Fishing without authorization</b>				0
<b>Gear requirements - illegal attachments</b>				0
<b>Gear requirements - mesh size</b>				0
<b>Inspection protocol</b>				0
<b>Mis-recording of catches - inaccurate recording</b>				0
<b>Observer requirements</b>				0
<b>Quota requirements</b>				0
<b>VMS requirements</b>				0
<b>TOTAL</b>	1	0	0	1

**Table 5-2010, part 1. Effort, at-sea inspections and AIs by fisheries type**

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	42	16	2	53**
Days Present in NRA	4170	584	14	4768
Number of at-sea inspections	192	22	0	214
Number of at-sea inspection report containing citation of AIs	4	3	0	7
Number of vessels cited with AIs at sea	4	2	0	6
<b>AIs issued by category - from at-sea inspections***</b>				
Greenland halibut measures				
Mis-recording of catches -stowage		1		
Product labelling				
Vessel requirements - capacity plans	1	1		
<b>By-catch requirements</b>				
<b>Catch communication violations</b>				
<b>Fishing without authorization</b>				
<b>Gear requirements - illegal attachments</b>	1			
<b>Gear requirements - mesh size</b>	1			
<b>Inspection protocol</b>				
<b>Mis-recording of catches - inaccurate recording</b>	1	1		
<b>Observer requirements</b>				
<b>Quota requirements</b>				
<b>VMS requirements</b>				
<b>TOTAL</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>7</b>

\* 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 5-2010, part 2. Effort, port inspections and AIs by fisheries type.**

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	42	16	2	53**
Days Present in NRA	4170	584	14	4786
Number of port inspections	86	14	0	100
Number of port inspection report containing citation of AIs				0
Number of vessels cited with AIs by port authorities				0
<b>AIs issued by category - from port inspections***</b>				
Greenland halibut measures				
Mis-recording of catches -stowage				
Product labelling				
Vessel requirements - capacity plans				
<b>By-catch requirements</b>				
<b>Catch communication violations</b>				
<b>Fishing without authorization</b>				
<b>Gear requirements - illegal attachments</b>				
<b>Gear requirements - mesh size</b>				
<b>Inspection protocol</b>				
<b>Mis-recording of catches - inaccurate recording</b>				
<b>Observer requirements</b>				
<b>Quota requirements</b>				
<b>VMS requirements</b>				
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 5-2011, part 1. Effort, at-sea inspections and AIs by fisheries type**

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	47	8	2	56**
Days Present in NRA	4922	360	18	5300
Number of at-sea inspections	192	8	0	200
Number of at-sea inspection report containing citation of AIs	7	1	0	8
Number of vessels cited with AIs at sea	6	1	0	7
AIs issued by category - from at-sea inspections***				
Greenland halibut measures				
Mis-recording of catches -stowage	4			
Product labelling	1			
Vessel requirements - capacity plans		1		
<b>By-catch requirements</b>	1			
<b>Catch communication violations</b>				
<b>Fishing without authorization</b>				
<b>Gear requirements - illegal attachments</b>				
<b>Gear requirements - mesh size</b>	1****			
<b>Inspection protocol</b>				
<b>Mis-recording of catches - inaccurate recording</b>				
<b>Observer requirements</b>				
<b>Quota requirements</b>				
<b>VMS requirements</b>				
<b>TOTAL</b>	7	1		8

\* 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.

\*\*\*\* Was not considered "serious" by at-sea inspectors in this case.

**Table 5-2011, part 2. Effort, port inspections and AIs by fisheries type.**

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	47	8	2	56**
Days Present in NRA	4922	360	18	5300
Number of port inspections	90	5	0	95
Number of port inspection report containing citation of AIs				0
Number of vessels cited with AIs by port authorities				0
AIs issued by category - from port inspections***				
Greenland halibut measures				
Mis-recording of catches -stowage				
Product labelling				
Vessel requirements - capacity plans				
By-catch requirements				
Catch communication violations				
Fishing without authorization				
Gear requirements - illegal attachments				
Gear requirements - mesh size				
Inspection protocol				
Mis-recording of catches - inaccurate recording				
Observer requirements				
Quota requirements				
VMS requirements				
<b>TOTAL</b>	0	0	0	0

**Table 6. Resolution of Apparent Infringement (AI) cases (as of August 2011)**

<b>Resolution of Apparent Infringement Cases</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Number of reports with citations issued*	28	32	8	13	7	8
Number of resolved cases	21	25	5	6	3	6
Percentage of resolved cases (as of July 2011)	75%	78%	63%	46%	43%	75%
Number of cases pending	3	2	3	4	4	2
Number of cases with no follow-up information	4	5	0	3	0	0

\* Number of inspection reports with serious and non-serious AI citations. A report may contain one or more AIs. Reports serving to confirm identical cases are not counted.

## **Annex 21. Modification of NAFO Conservation and Enforcement Measures**

### **Article 22 – Vessel Requirements**

(STACTIC Working Paper 12/31, Revision 2 **now** FC Doc. 12/17)

#### **Background**

The vessel requirements obligation under Article 22 of the NAFO CEM does not allow a transparent view of the fishing activities conducted in the NAFO Regulated area (RA). Moreover, there is no tool in place to communicate with the NAFO Secretariat to delete a vessel from the NAFO register, or to modify its authorization to fish. The scope of this proposal is to introduce amendments to Article 22 with the view to make the system more flexible. A more transparent view of the fishing effort deployed would also improve the effectiveness of sea inspection.

This new system would be based on (1) the notification by Contracting Parties of a list of vessels candidate to conduct fishing activities in the NAFO RA, (2) the delivery of an authorization to conduct such activities, identifying the species and/or regulated stocks on which directed fishing is allowed, and (3) the possibility to withdraw the notification, or to suspend the authorization.

Notified and authorized vessels will be recorded in a NAFO register.

By identifying the regulated stocks allowed for direct fishing, there is no need any more to identify those species/stocks in the COE message, not to maintain the specific authorization for species subject to a rebuilding plan, like GHL.

This proposal does not introduce new data elements. However, some of these data elements need a modified definition, for clarity.

#### **Recommended changes:**

##### **1. Replace Article 22 by the following text**

Article 22 – Vessel Requirements

##### ***Notification of fishing vessels***

1. Each Contracting Party shall notify the Executive Secretary by electronic means:
  - a. a list of its vessels flying its flag which it may authorize to conduct fishing activities in the Regulatory Area, hereinafter referred to as a “notified vessel”, in the format prescribed in Annex II.C1 (NOT message);
  - b. from time to time, any deletion from the list of notified vessels, without delay, in the format prescribed in Annex II.C2, (WIT message);
2. No fishing vessel shall conduct fishing activities in the Regulatory Area unless it is listed as a notified vessel.

##### ***Authorization to conduct fishing activities***

3. Same as existing paragraph 1 (no fishing activity without authorization)
4. Same as existing paragraph 2 (effort commensurate with opportunities)
5. Each Contracting Party shall transmit to the Executive Secretary by electronic means:
  - a. the individual authorization for each vessel from the list of notified vessels it has authorized to conduct fishing activities in the Regulatory Area, hereinafter referred to as an “authorized vessel”, in the format prescribed in Annex II.C3 and no later than 30 days before the start of the fishing activities for the calendar year (AUT message).  
Each authorization shall in particular identify the start and end dates of validity and, the species for which directed fishery is allowed. If the vessel intends to fish for regulated species referred to in Annexes I.A or I.B, the identification shall refer to the stock, where the regulated species is associated to the area concerned;
  - b. the suspension of the authorization, in the format prescribed in Annex II.C4, without delay, in case of removal of the authorization concerned or of any modification to its content, where the removal or the modification occurs during the period of validity (SUS message);

- c. in case of resuming a suspended authorization, the new authorization, transmitted in accordance with the procedure described in sub a above.
6. Each Contracting Party shall ensure that the period of validity of the authorization matches with the certification period concerning the certification of the capacity plan referred to in paragraphs 10 to 12 below.

***Vessels markings***

7. Same as existing paragraph 5

***Vessel documents to be carried on board***

8. Same as existing paragraph 6, but with sub viii replaced by the following text:
- viii. the capacity plan referred to in paragraph 10.
  - ix. estimation of freezing capacity or certification of refrigeration system will be provided if possible.

***Capacity plan***

9. No fishing vessel shall conduct fishing activities in the Regulatory Area without carrying on board an accurate up-to-date capacity plan, the capacity plan must be certified by a competent authority or recognized by its flag State
10. The capacity plan shall:
- a. take the form of a drawing or description, of its fish storage place, including the storage capacity of each fish storage place in cubic meters. The drawing must consist of longitudinal section of the vessel, including a plan for each deck on which a fish storage place is located and the locations of freezers
  - b. show in particular the positions of any door, hatch and any other access to each fish storage place, with reference to the bulkheads;
  - c. indicate the main dimensions of the fish storage tanks (refrigerated sea water tanks) and, for each one, indicating the calibration in cubic meters at intervals of 10 cm.
  - d. have the true scale clearly indicated on the drawing.
11. Each Contracting Party shall ensure that, every two years, the capacity plan of its authorized vessels is certified correct by the competent authority.

***Duties of the Executive Secretary***

12. The Executive Secretary
- a. maintains a register of all fishing vessels notified in accordance with paragraph 1.a,
  - b. identifies in the register the authorized vessels, including chartered vessels, and
  - c. amends the register and any element related to the authorizations following notification by a Contracting Party of any modification.
13. Subject to the appropriate confidentiality requirements, the Executive Secretary shall:
- a. posts the register referred to in paragraph 13 on a secure portion of the NAFO website available to each Contracting Party;
  - b. delete from the register any vessel that has not conducted fishing activities in the Regulatory Area for a period of two consecutive years, or that has been classified as IUU.

**2. Remove paragraph 5.a from Article 10 and adjust subsequent sub paragraphs**

As the new measures will cover all fisheries, Article 10 paragraph 5.a (specific authorization for GHL) becomes obsolete and should be deleted. The subsequent points (b) to (f) should be adjusted to (a) to (e).

**3. Remove the line “Directed species” line from Annex II.F section 2 (COE)**

As the authorization to fish identifies the species for which a directed fishery is allowed, referring to the stock in case of regulated species, the field code DS in the COE message becomes obsolete and should be deleted.

#### 4. Referring to Annex II.D part C

1. replace the category “Vessel Character Details” by the following table

Category	Data element	Field code	Type	Contents	Definitions
Vessel IMO Number	IMO Number	IM	Num*7	“nnnnnnn”	IMO ship identification number
<b>Vessel Character Details</b>	Vessel Tonnage Unit	VT	Char*2 Num*4	“OC”/“LC” Tonnage	According to: “OC” OSLO 1947 Convention /“LC” LONDON ICTM-69
	Vessel Power Unit	VP	Char*2 Num*5	0-99999	Total main engine power in “KW”
	Vessel Length	VL	Char*2 Num*3	“OA” Length in meters	Unit “OA” length overall. Total length of the vessel in meters, rounded to the nearest whole meter
	Vessel Type	TP	Char*3	Code	As listed in Annex II.I
	Fishing Gear	GE	Char*3	FAO Code	International Standard Statistical Classification of the Fishing Gear as Annex II.J
<b>Authorization details</b>	Start Date	SD	Num*8	YYYYMMDD	Licence detail; date on which the authorization starts
	End Date	ED	Num*8	YYYYMMDD	Licence detail; date on which the authorization end
	Directed Species	DS	Char*3 Num*6	FAO Species Code/ Area Code	Licence detail; species for which the authorization applies. In case of regulated species from Annex I.A or I.B, the content must refer to the stock (format GHL/3LMNO)

#### 5. Replace the first line of Annex II.D part E by the following ones.

Annex	Provisions	Code	Message/Report	Remarks
II.C	Article 22.1a	NOT	Notification	Notification of fishing vessels
II.C	Article 22.1b	WIT	Withdrawal	Notification of the withdrawal of a registered vessel
II.C	Article 22.6a	AUT	Authorization	Notification of vessels authorized to conduct fishing activities in the RA
II.C	Article 22.6b	SUS	Suspension	Notification of the suspension of an authorization to conduct fishing activities in the Regulatory Area, within its initial period of validity

## 6. Replace Annex II.C by the following tables

### Annex II.C

#### 1) Format for register of vessels

Data Element	Code	Mandatory / Optional	Remarks
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, “XNW” for NAFO Secretariat
From	FR	M	Message detail; ISO-3 code of the transmitting Contracting Party
Record Number	RN	M	Message detail; message serial number in current year
Record Date	RD	M	Message detail; date of transmission
Record Time	RT	M	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, “ <b>NOT</b> ” as Notification of vessels that may conduct fishing activities in NAFO RA
Vessel Name	NA	M	Name of the vessel
Radio Call Sign	RC	M	International radio call sign of the vessel
Flag State	FS	M	State where the vessel is registered
Internal Reference Number	IR	O <sup>1</sup>	Unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	M	The side number of the vessel
Vessel IMO Number	IM	M <sup>3</sup>	IMO number in the absence of a side number
Port Name	PO	M	Port of registration or home port
Vessel Owner	VO	M <sup>2</sup>	Registered owner and address
Vessel Charterer	VC	M <sup>2</sup>	Responsible for using the vessel
Vessel Type	TP	M	FAO vessel code (Annex II.I)
Vessel Gear	GE	O	FAO statistical classification of fishing gear (Annex II.J)
Vessel Tonnage measurement method tonnage	VT	M	Vessel tonnage capacity in pairs as needed “OC” = “OSLO” Convention 1947, “LC” “London” Convention ICTM-69 Total capacity in metric tons
Vessel length measurement method length	VL	M	Length in meters in pairs as needed “OA” = overall; length in meters
Vessel Power measurement method Power	VP	M	Engine power in pairs as needed in “KW” PE = propulsion engine AE= Auxiliary summary engines Total installed engine power in vessel measured in “KW”
End of record	ER	M	System detail; indicates end of the record

<sup>1</sup> Mandatory when used as a single identification in other messages.

<sup>2</sup> Whichever one is appropriate.

<sup>3</sup> Mandatory when External Registration Number is absent.

## 2) Format for withdrawal of vessels from the register

Data Element	Code	Mandatory / Optional	Remarks
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, “XNW” for NAFO Secretariat
From	FR	M	Message detail; ISO-3 code of the transmitting Contracting Party
Record Number	RN	M	Message detail; message serial number in current year
Record Date	RD	M	Message detail; date of transmission
Record Time	RT	M	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, “WIT” as Withdrawal of notified vessels
Vessel Name	NA	M	Name of the vessel
Radio Call Sign	RC	M	International radio call sign of the vessel
Internal Reference Number	IR	O	Unique Contracting Party vessel number as ISO-3 flag state code followed by number, if exists
External Registration Number	XR	M	The side number of the vessel
Vessel IMO Number	IM	M <sup>4</sup>	IMO number in the absence of a side number
Start Date	SD	M	The first date as from which the withdrawal takes affect
End of record	ER	M	System detail; indicates end of the record

<sup>4</sup> Mandatory when External Registration Number is absent

## 3) Format for authorization to conduct fishing activities

Data Element	Code	Mandatory / Optional	Remarks
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, “XNW” for NAFO Secretariat
From	FR	M	Message detail; ISO-3 code of the transmitting Contracting Party
Record Number	RN	M	Message detail; message serial number in current year
Record Date	RD	M	Message detail; date of transmission
Record Time	RT	M	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, “AUT” as Authorization of vessels to conduct fishing activities in the NAFO RA
Vessel Name	NA	M	Name of the vessel
Radio Call Sign	RC	M	International radio call sign of the vessel
Internal reference Number	IR	O	Unique Contracting Party vessel number as ISO-3 flag state code followed by number, if exists
External registration Number	XR	M	The side number of the vessel

Vessel IMO Number	IM	M <sub>5</sub>	IMO number in the absence of a side number
Start Date	SD	M	License detail; date as from which the Authorization takes effect
End date	ED	O	License detail: Date on which the authorization go to the end. Maximum time validity is 12 months.
Directed Species	DS	M	License detail; species allowed for directed fishery. Regulated species of Annex I.A or I.B must refer to the stock (Allow for several pairs of fields species and divisions i.e. //DS//GHL/3LMNO COD/3M RED/3LN//
End of record	ER	M	System detail; indicates end of the record

<sup>5</sup> Mandatory when External Registration Number is absent

#### 4) Format to suspend the authorization to conduct fishing activities

Data Element	Code	Mandatory / Optional	Remarks
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, “XNW” for NAFO Secretariat
From	FR	M	Message detail; ISO-3 code of the transmitting Contracting Party
Record Number	RN	M	Message detail; message serial number in current year
Record Date	RD	M	Message detail; date of transmission
Record Time	RT	M	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, “SUS” as Suspension of authorized vessels
Vessel Name	NA	M	Name of the vessel
Radio Call Sign	RC	M	International radio call sign of the vessel
Internal Reference Number	IR	O	Unique Contracting Party vessel number as ISO-3 flag state code followed by number, if exists
External Registration Number	XR	M	The side number of the vessel
Vessel IMO Number	IM	M <sup>6</sup>	IMO number in the absence of a side number
Start Date	SD	M	License detail; date as from which the Suspension takes effect
End of record	ER	M	System detail; indicates end of the record

<sup>6</sup> Mandatory when External Registration Number is absent

**Annex 22. Proposal on lost or abandoned fishing gear**  
(STACTIC Working Paper 12/33, Revision 2 **now** FC Doc. 12/18)

The NAFO Performance Review urges NAFO to further its efforts to introduce management measures to deal directly with lost and abandoned fishing gear, with the scope to minimize catches by such gears, and the potential negative impact of so-called ghost-fishing has on the marine ecosystem.

It is proposed to insert the following Article in the Chapter I of the NAFO CEM.

**Article 13.9 – Lost or abandoned fishing gears**

***Retrieval of fishing gears***

1. Each Contracting Party shall ensure that :
  - a. vessels fishing in the NRA flying their flag have equipment on board to retrieve lost gear;
  - b. the master of a vessel that has lost gear or part of it shall make every reasonable attempt to retrieve it as soon as possible.
  - c. no master shall deliberately abandon fishing gear, except for safety reasons.
2. If the lost gear cannot be retrieved, the Master of the vessel shall notify the flag State Contracting Party within 24 hours of the following:
  - a. the name and call sign of the vessel,
  - b. the type of lost gear,
  - c. the quantity of gear lost,
  - d. the time when the gear was lost,
  - e. the position where the gear was lost,
  - f. the measures taken by the vessel to retrieve the lost gear.
3. Following retrieval of lost gear, the Master of the vessel shall notify the flag State Contracting Party within 24 hours of the following:
  - a. the name and call sign of the vessel that has retrieved the gear,
  - b. the name and call sign of the vessel that lost the gear (if known),
  - c. the type of gear retrieved,
  - d. the quantity of gear retrieved,
  - e. the time when the gear was retrieved,
  - f. the position where the gear was retrieved.
4. The flag State Contracting Party shall without delay notify the Executive Secretary of the information referred to in paragraph 2 and 3.

***Duties of the Executive Secretary***

5. The Executive Secretary posts without delay the information provided by Contracting Parties in accordance with paragraph 4 on the secure part of the NAFO website.

**Annex 23. Proposed Amendment to NCEM Annex IV.B**  
(STACTIC Working Paper 12/34, Revision 1 **now** FC Doc. 12/19)

**Background**

According to the current provisions of NAFO Conservation and Enforcement Measures, Sightings and Identifications of non Contracting Party vessels shall be reported by NAFO inspectors (Article 46 and Annex IV.B)

This provision could prevent an inspection platform notified to the Secretary without NAFO inspectors on board from doing such a report whereas NAFO abilities are not objectively necessary to do such a report.

**Proposed amendment**

Replace “AUTHORIZED INSPECTOR” in Annex IV B Part I by “OFFICIAL”

and

Replace “AUTHORIZED INSPECTOR” in Annex IV B Part II by “NAME OF OFFICIAL”

## **Annex 24. Product Labelling under Article 24 – All product must be clearly labeled by species and identify the division of capture**

(STACTIC Working Paper 12/35, Revision 3 now FC Doc. 12/20)

### **Background**

Currently, the NAFO Conservation and Enforcement Measures require that all fish harvested in the NAFO Regulatory Area must be labelled by species and product category, and in the case of shrimps, the date of capture. The measures further require that GHL and shrimp be marked by Stock Area.

The NAFO Performance Review Panel Recommendations (GC Working Paper 11/2) suggests that Article 23 (now known as Article 24) be improved to take into account the traceability of fish. It is recommended that the labelling requirements for species captured in the NAFO Regulatory Area require that all product be identified by species, product category, and division of capture.

This would improve the traceability of fish from the point of harvest to the point of offloading in port. Vessels regularly cross division boundaries and have onboard species that may have different harvest rules (such as moratorium) in different Divisions. In such cases it is important that inspectors be able to determine from where and when the fish was captured.

It is recommended that as a step towards achieving better traceability of fish from the point of capture that the Division from which the fish was harvested be included on all product labelling.

It is necessary to continue to strengthen the measures on an ongoing basis including improving the accuracy of labelling and reporting of fish captured in the NAFO Regulatory Area. This issue will require regular review at STACTIC.

### **Proposed Amendments**

#### **Replace Article 24 with the following text.**

- 24.1 When processed, all species harvested in the Regulatory Area shall be labeled in such a way that each species and product category is identifiable. All species must be labeled using respectively the following data:
  - a) the Name of the capture vessel
  - b) the 3-Alpha Code for each species as listed in Annex I.C
  - c) in the case of shrimps the date of capture
  - d) the Regulatory Area and Division of fishing
  - e) the product form presentation code as listed in Annex II.K.
- 24.2 Labels shall be securely affixed, stamped or written on packaging and be of a size that can be clearly read by inspectors in the normal course of their duties.
- 24.3 Labels shall be marked in ink on a contrasting background.
- 24.4 Each package shall contain only:
  - a) one product form category
  - b) one division of capture
  - c) one date of capture (in the case of shrimps)
  - d) one species

## **Annex 25. Standardization of Conversion Factors in the NAFO Regulatory Area**

(STACTIC Working Paper 12/39, Revision 3 **now** FC Doc. 12/21)

### **Background**

Conversion factors are used to determine the live weight of fish by applying the factor to processed catch. Inaccurate conversion factors could contribute to inconsistencies in fish removal estimates. In addition, consistent conversion factors are required to ensure accuracy in the sharing of quotas. The fishing industry has questioned why there is a variance in the conversion factors in the NRA.

It was agreed at the STACTIC intercessional meeting in May 2012 that CP's would provide a list of their domestic conversion factors to the Secretariat for further discussion at the annual meeting in September. The Secretariat has compiled a list of Conversion Factors by Contracting Party. (STACTIC WP 12/25 rev.1)

A preliminary analysis of the conversion factors has identified that there is a variation in the case of many fisheries. For example, for GHL Gutted, Head Off, Tail Off, the variation is from 1.39 – 1.50. In the case of skate wing the range was from 2.09 to 4.0.

Notwithstanding domestic conversion factors supplied by the Contracting Parties, the NAFO Conservation & Enforcement Measures state that when completing an inspection report "...when comparing entries in the production logbook with entries in the fishing logbook the inspector shall convert production weight into live weight guided by conversion factors used by the master." Inspectors have noted during inspections a variance in conversion factors for the same product. A difference in conversion factors when extrapolated over large amounts of catch could result in significant discrepancies in catch estimates.

Therefore to ensure accuracy of recorded catch it is important to use accurate and consistent conversion factors when converting product weight to live weight.

This was discussed in STACTIC at the annual meeting with the intent of finding a way forward in establishing consistent and accurate conversion factors. The discussion reflected that the range and variations are diverse and there is currently no basis to arrive a standard set of conversion factors. Domestic conversion factors may vary for many reasons and were not necessarily calculated using fish populations in the NRA. Furthermore, it appears that there hasn't been any recent sampling to determine conversion factors which may indicate that some of the more modern processing techniques have not been incorporated into current conversion factors.

### **Recommendation**

***It is recommended that the Fisheries Commission provide approval to STACTIC to develop a project to conduct scientific based, independent, and structured sampling of catches and product types in the NRA. The intent is to establish a recommendation for standard conversion factors for the primary species harvested. For example, participating Contracting Parties could provide independent observers to collect the preliminary data.***

***Canada volunteered to undertake the development of the methodology and framework for the project and present to STACTIC at the intercessional meeting in 2013. If approved at the STACTIC intercessional meeting the project would proceed without further Fisheries commission consideration and STACTIC will provide a status report to the FC at the next annual meeting.***

Note: STACTIC is not seeking funding support from NAFO for this project.

## **Annex 26. Standardization of Observer program data and Reporting requirements in the NAFO Regulatory Area**

(STACTIC Working Paper 12/41, Revised now FC Doc. 12/22)

### **Background**

Under the Observer Scheme of the NAFO Conservation and Enforcement Measures Chapter V, fishing vessels operating in the NAFO regulatory area are required to carry independent and impartial observers.

In the 2012 Progress report of the Expert Panel, the Panel recommends that standard protocols be developed and applied for the reporting of NAFO observer information by all flag states.

This suggests that there is a need within the NAFO Conservation and Enforcement Measures to establish and submit standard data collection templates. This would ensure that data is collected and reported in a consistent and timely manner thereby facilitating the compilation and analysis of the observer data.

### **Recommendation**

***Establish a working group within STACTIC to identify a standard data collection format and process. The working group will prepare a paper for submission at a 2013 intercessional meeting with a view of adopting provisions in the NCEMS to have a standard observer collection template, and relevant protocols to complete and submit the information. Implementation of the measures would be effective for 2014.***

***The core Working Group will be based around the existing Editorial Drafting Group and other Contracting Parties are invited to participate.***

## **Annex 27. Closure of 3M Redfish Fisheries when TAC has been Reached**

(FC Working Paper 12/31, Revised **now** FC Doc. 12/9 (Revised))

### **Background**

The NAFO Conservation and Enforcement Measures state in Article 5.2 that “Each Contracting Party to which a quota has been allocated shall close its fishery in the Regulatory Area for the stocks listed in Annex I.A on the date on which the accumulated reported catch, the estimated unreported catch, the estimated quantity to be taken before the closure of the fishery and the likely by-catches during the period to which the quota applies, equal 100% of the quota allocated to that Contracting Party.”

In the case of 3M Redfish, footnote 8 of Annex I states that “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.”

The Measures do not specify that Contracting Parties shall close its fishery for 3M Redfish when notified that 100% of the TAC is estimated to be taken.

Note: This proposal does not preclude the Contracting Parties identified in footnote 19 of Annex I which identifies Contracting Parties permitted to fish their quota in its entirety.

For clarity it is recommended that Article 5.2, footnote 8 and 19 of Annex I.A be amended.

### **Proposed Amendments**

The current Article 5.2 will become Article 5.2(a)

In addition add the following paragraph as 5.2(b)

5.2(b) The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for 3M Redfish, the accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50% and then 100% of the TAC. Each Contracting Party shall ensure that after it has been notified by the Executive Secretary that 100% of the TAC is taken, no more 3M Redfish, caught after that date, is retained onboard its vessels.

### **Amend footnote 8 of Annex I.A by removing the following text**

‘The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, the accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50% and then 100% of the TAC.’

### **Replace footnote 19 of Annex I.A with the following text**

**19.** Notwithstanding the provisions of footnote 8 and Article 5.2 (b) and without prejudice to future agreements on allocations, these quotas may be fished in their entirety by these Contracting Parties.

**Annex 28. Provision of VMS Data to NAFO Constituent Bodies**(FC Working Paper 12/15 **now** FC Doc. 12/8)

**Considering** that following specific requests from the Fisheries Commission to the Scientific Council, VMS data is currently available in a summary form to the Scientific Council (NAFO Conservation and Enforcement Measures, Article 26.10(d));

**Mindful** that although VMS data is primarily collected for MCS purpose, it is also a useful source of information for scientific and statistical purposes;

**Recognizing** that VMS data has previously been used by NAFO to meet a range of management and science needs including delineation of NAFO's fishing footprint and the modeling of by-catch thresholds for the management of VME species in the NRA;

**Noting that** the Performance Review panel recommended that NAFO should consider rules to govern the use of VMS data, specifically how and why VMS data should be used, while avoiding overly-restrictive usage conditions;

**Seeking** to make access and use of NAFO VMS data efficient in order to it meet the needs for both scientific advice and compliance monitoring, as recommended by the *Expert Panel Regarding Assessment of the Methodology Used by NAFO Scientific Council to Estimate Catches for NAFO Stocks*;

**Recalling** that the General Council Action Plan for the Implementation of the Performance Review Recommendations encourages the use of VMS data by Scientific Council for preparation of advice;

**Conscious** of the need to maintain industry confidentiality of VMS data (i.e. commercial sensitivity of detailed fishing location);

It is recommended that Article 26.10 (d) be amended as follows:

(d) makes VMS data available in a summary form, that does not include the vessel's identification, to the Scientific Council and other NAFO Constituent bodies to allow them to carry out their mandated responsibilities.

## PART II

### Report of the Standing Committee on International Control (STACTIC)

#### 34<sup>th</sup> Annual Meeting St. Petersburg, Russian Federation 17-21 September 2012

#### 1. Opening by the Chair, Gene Martin (USA)

The Chair opened the meeting at 2:00 p.m. on Monday, September 17, 2012 at the Park Inn, Pribaltiyskaya in St. Petersburg, Russia. The Chair thanked Russia for hosting the meeting and welcomed the representatives of the following Contracting Parties (CPs): Canada, Denmark (in respect of Faroe Islands and Greenland), the European Union, France (in respect of St. Pierre and Miquelon), Iceland, Norway, the Russian Federation, Japan, and the United States.

#### 2. Appointment of Rapporteur

Brent Napier (Canada) was appointed Rapporteur.

#### 3. Adoption of Agenda

The following amendments were made to the agenda:

1. Canada requested the following changes to the agenda:
  - a. STACTIC WP12/35: Product labelling (Article 24) to replace STACTIC WP 12/15: Product Labelling and Stowage (Article 24) and 12/18: Product Labelling by Division and date of capture (Article 24) under combined agenda item 10 e) and f); and
  - b. STACTIC WP 12/36: Immunities from jurisdiction of inspectors be added under agenda item 14.
2. DFG requested the following substitution in the agenda:
  - a. Replacement of STACTIC WP12/1: Proposal to improve the NCEM Chapter III Vessel Requirements and Chartering with STACTIC WP12/31: Modification of NCEM Article 22 under agenda item 10 a); and
  - b. Replacement of STACTIC WP12/2: Discussion paper on the improvement of the monitoring of the quota uptake with STACTIC WP12/32: Proposal to improve the transparency of the quota uptake under agenda item 10 b).
3. The NAFO Secretariat requested that STACTIC WP 12/30: Consideration of a joint NEAFC/NAFO *ad hoc* Working Group on the Advisory Group on Data Communication (AGDC) be added under agenda item #14.
4. France (SPM) requested that STACTIC WP12/34: Proposed Amendment to NCEM Annex IV.B be added as agenda item 10 l).
5. The Chair noted the following work assigned by Fisheries Commission:
  - a. FC Working Paper 11/13: PRP recommendations relevant to STACTIC under agenda item 4;
  - b. FC Working Paper 12/5: Additional PRP recommendations relevant to STACTIC under agenda item 4;
  - c. FC 12/8: Expert Panel Recommendations relevant to STACTIC under agenda item 4; and
  - d. Clarification of the process concerning the closure of the redfish fishery in Division 3M under agenda item 14; and

*These changes were agreed to and the agenda was modified accordingly. (Annex 1)*

#### 4. Consideration of Recommendations from the Performance Review Panel (PRP) and Expert Panel Recommendations Relevant to STACTIC

*a. The Chair communicated the direction provided by Fisheries Commission calling for STACTIC to provide feedback on the three recommendations contained within FC Working Paper 11/13.*

**PRP Recommendation: Relevant to Incorporating FAO Port State Measures Agreement** – STACTIC representatives recommended awaiting NEAFC deliberations on this issue, scheduled to conclude in November 2012, to benefit from the considerable work already underway on this issue. STACTIC would then undertake a review of the outcomes of the NEAFC exercise to determine possible application in the NAFO context. Noting the importance of the effort of NEAFC, Japan pointed out that sufficient and reasonable time should be provided to non-NEAFC member countries for their consideration.

**PRP Recommendation: Relevant to Clarification of Definition of Shark Weight** – STACTIC representatives clarified that the term “shark weight” was intended to reference “live weight”. At this time STACTIC does not consider it a priority to develop a definition of processed weight given sharks are rarely taken in the NRA.

**PRP Recommendation: Relevant to Labelling Catch by Stock Area** – STACTIC representatives noted that STACTIC WP 12/35 (revision 3), discussed, and recommended for Fisheries Commission adoption, under agenda item 10 e) contained elements that would address the PRP recommendation to improve product labelling to facilitate the traceability of fish.

*b. The Chair further noted that STACTIC was also directed by Fisheries Commission to review FC Working Paper 12/5 and again provide feedback on the recommendations.*

##### **PRP Recommendation #23: Lost and abandoned fishing gear and environmental protection**

###### **Lost and Abandoned Fishing Gear**

The EU introduced STACTIC WP 12/33 with the view to addressing the elements of this recommendation related to lost and abandoned fishing gear, noting the text was derived from relevant NEAFC measures. The US noted that the proposal would be consistent with IMO provisions requiring the reporting of lost gear, when gear posed a navigation hazard. Canada noted that despite the wording of the PRP recommendation that management measures only apply in the NRA. CPs agreed that vessel Masters should be responsible to take all reasonable action, however there would be no mandatory obligation placed on vessel Flag States to take action beyond the Masters efforts given the logistical impracticality. The EU introduced STACTIC WP 12/33 (revision 2) which incorporated changes to the original proposal that reflect comments made during the discussions, including language to address safety implications.

*It was agreed that STACTIC WP 12/33 (revision 2) would address the lost and abandoned gear component of recommendation #23 and should therefore be forwarded to Fisheries Commission for adoption.*

###### **Environmental Protection Issues**

The EU noted that WP 12/38 was drafted in response to the PRP recommendation concerning pollution in the NAFO Convention Area. The Chair notes the adoption of the proposal would oblige CPs to recognize international obligations and commit to taking the necessary steps to comply with the proposal.

The Chair and other CPs expressed uncertainty as to whether to proceed with the proposal under current NAFO Convention, or postpone discussion until the new Convention was ratified. The US endorsed the principle but suggested the need to consider the elements in the broad context of international law and its application in NAFO. CPs expressed the desire to reflect on the matter with the view to revisiting the issue at the next STACTIC Intersessional.

*It was agreed that although STACTIC WP 12/38 (revised) may address the pollution component of recommendation #23, further reflection would be required as to whether STACTIC is the appropriate NAFO body to decide on the matter. STACTIC will revisit the issue at its next Intersessional.*

##### **PRP Recommendation #27: Equitable sharing of inspection cost**

The Chair noted that the recommendation was to identify ways of equitably sharing of inspection coverage. The Chair noted that currently, the only enforcement obligation within the CEMs Joint Inspection and Surveillance Scheme (Article 28) was to maintain an inspector or competent authority in the NRA or territory of a CP adjacent to the Convention Area where the CP had more than 15 fishing vessels operating at any one time in the NRA.

Canada noted a decrease in number of fishing vessels active in the NRA in recent years and point out that efficiencies have been gained through an increasing trend in CP joint inspections and in-port cooperation. The US shared the

Canadian sentiments and noted the compliance report comprehensively documents these joint compliance activities and developments, such as the planned patrols of a US cutter in 2013.

The EU noted that NAFO benefits from both voluntary and obligatory enforcement participation and, referring to the 2003 NAFO Annual meeting request on this issue, the feasibility of maintaining a centrally managed NAFO inspection program, where all CPs would contribute, was previously explored and deemed undesirable at the time.

*STACTIC did not currently see this as an issue in light of advancements in cooperation, increased sharing of information, evolved compliance review process, increased joint enforcement activity and fewer fishing vessels. While STACTIC does not see this as an issue, it will take it under advisement and continue to look for other means to improve cooperation between CPs, where they may exist.*

#### **PRP Recommendation #27-28: follow-up on infringements**

The Chair noted that the recommendation was based on incorrect information (reversal of numbers) causing the panel to make recommendations based on incorrect data. The Chair further elaborated that the annual compliance review process had not identified any such failure on the part of CPs over the last number of years.

Canada noted that one possible area of improvement could be to encourage increased comprehensiveness of the information provided by CPs on the disposition of infringements. The EU noted that STACTIC has, and continues to, evolved its reporting scheme.

*STACTIC noted that erroneous data used in the review contributed to this recommendation and that significant progress has been made in this area as reflected by the annual compliance review reports. No further action, other than continued monitoring of follow-up on infringements, is needed.*

#### **PRP Recommendation #29: FAO Port State Measures**

The Chair reiterated that STACTIC representatives recommended, at the intercessional meeting, awaiting NEAFC deliberations on this issue, scheduled to conclude in November 2012, to benefit from the considerable work already underway on this issue.

*STACTIC representatives recommended awaiting NEAFC deliberations on this issue to benefit from NEAFC experiences with this exercise.*

#### **PRP Recommendation #30: Cooperation with RFMO's - IUU listing**

The Chair noted that NAFO has already taken steps to address this through Article 51.6 of the CEMs, which mandates the transmission of relevant information regarding the NAFO's IUU list to select RFMO's and other regional fish management organizations.

*STACTIC representatives agreed that the CEM Non-Contracting Party Scheme adequately addressed this recommendation.*

#### **PRP Recommendation #31: Further consideration given to trade/market measures**

The Chair noted that Articles 52 and 53 considered trade related measures in the case of IUU vessels (e.g. prohibitions on imports of fish from IUU vessels).

The EU agreed that provisions already exist with the CEMs, but noted that NAFO may wish to explore approaches adopted in other RFMO's, such as catch documentation schemes (CDS) to improve traceability noting that NEAFC is considering CDS for incorporation into its measures.

*STACTIC agreed that the existing scheme to address IUU in the NRA contains possibility of implementing trade measures and noted that CPs were free to implement additional trade related measures on an individual basis. STACTIC will continue to reflect on possible improvements to the CEMs related to market/trade measures.*

#### **PRP Recommendation #34: Reports should be as succinct as possible**

Canada noted continual improvements are being made to STACTIC reports, in particular respecting the development of a comprehensive annual compliance report. CPs noted the recommendation and will endeavour to continue to improve the quality of reports.

*STACTIC continues to work on improving reports and encourages CPs to further implement this recommendation.*

*c. The Chair advised that STACTIC was also directed by Fisheries Commission to review FC Working Paper 12/8: Expert Panel Recommendations relevant to STACTIC and provide feedback on the recommendations related to catch estimates.*

*The Chair noted that there was insufficient time to fully consider these recommendations, but the following preliminary feedback is provided.*

**PREP Recommendation: Timely Availability of STATLANT Data** – The Secretariat provided STACTIC with an overview of the STATLANT 21 process – and noted responsibility for this falls under SC. There are no measures in the CEM related to STATLANT or reporting data to be used to compile STATLANT. If FC desires for such measures to be included in the CEM it needs to give specific direction to do so, STACTIC agreed to reflect further on the issue and revisit the recommendation at its next Intersessional.

**PREP Recommendation: Standard Protocols for NAFO Observer Information** – Canada noted that it was developing a Working Paper that could potentially address this issue. STACTIC agreed to revisit the recommendation at its next Intersessional.

**PREP Recommendation: Inclusion of Hours Fished** – STACTIC noted that STATLANT already requires hours fished to be reported. STACTIC WP 12/16 (revision 3) adopted by STACTIC, requiring tow by tow information should facilitate the calculation of actual hours fished. STACTIC agreed to revisit the reporting of such information to the NAFO Secretariat at its next Intersessional.

**PREP Recommendation: Database Management** - STACTIC noted that examining VMS enforcement applications remains part of its regular business. STACTIC agreed to revisit the recommendation at its next Intersessional.

## **5. Compliance review 2011 including review of reports of apparent infringements**

The Chair introduced the agenda item and noted improvements to the compliance report contained within STACTIC WP 12/28. The Chair observed that the report required the completion of the “conclusions” section and noted that these were traditionally drafted by an informal STACTIC working group of experts. The EU suggested that the same approach again be used to draft the compliance report conclusions. The informal group convened and later presented STACTIC WP12/28 (revised), which contained updated trends and a recommendations sections including areas of planned expansion.

Canada commended the work done by the NAFO Secretariat to compile the compliance report and acknowledged improvements over previous reviews. Canada did, however, note some discrepancies within the compliance report and agreed to work with the Secretariat on the issue. Canada expressed the view that, in addition to addressing discrepancies in the current review, continued improvements should be sought through the expansion of data elements. Canada noted that this expansion would allow for augmented trend analysis (e.g. fishing effort by water depths, division and species) and would permit the identification of trends/patterns that would facilitate patrol planning and potentially provide SC with additional data. Canada committed to developing a working paper in advance of the next Intersessional to explore these elements. DFG supported Canada’s suggestions and noted that STACTIC had previously discussed expanding the reporting elements at earlier meetings. DFG further suggested the Secretariat should be engaged in this process to advise on available data elements.

The Secretariat presented FC Doc. 12/4 which contains a summary of inspections and the disposition of apparent infringements report provided by Contracting Parties. The US and the EU noted some missing boarding information and the US committed to working with the Secretariat to update the information. Canada remarked that although it was pleased to see long-standing cases being addressed, it had some serious concerns regarding what message was being sent to industry when there was no official follow-up to infringements, or when only nominal fees that had little or no deterrent effect were applied. Canada reminded STACTIC members of the committee’s mandate to promote and safeguard the effectiveness of NAFO’s compliance regime, including the mandatory follow-up on all infringements. Canada noted that some gains have been made, however there continues to be cases of measures not being strictly applied. Canada concluded by observing that serious infringements have been more adequately addressed in recent years, which made it hopeful that continuing progress on this issue could be made.

The EU shared Canada’s position that the rules must be respected and applied equally by all CPs. It noted that sanctions are based on national laws and that work was underway in the EU on a standard sanction system to address the disproportional nature of applied sanctions. The EU reaffirmed its commitment to applying the measures, however cautioned STACTIC representative regarding creating measures that outstrip a CPs domestic legislations ability to react.

*It was agreed to forward the 2011 Compliance Review (STACTIC WP 12/28 (revised)) to Fisheries Commission for consideration and adoption.*

## 6. Review and evaluation of NAFO Practices and Procedures

The Chair introduced this standing agenda item and reminded representatives that the intention of this item was to provide CPs with the opportunity to share domestic practices and procedures. There were no presentations offered under this agenda item.

*STACTIC decided to include on this website, information presented on CPs' conversion factors (STACTIC WP 12/25 revision 2) and a comparative table prepared by the EU (as updated by the Secretariat) reflecting CP conversion factors for NAFO regulated species.*

## 7. Review of current IUU list pursuant to NAFO CEM Article 51.3

The NAFO Secretariat presented STACTIC Working Paper WP 12/23, noting that the IUU list was last reviewed at the STACTIC Intersessional in May and that there had been no changes since the review.

The Chair reminded representatives that they were asked to review the list and provide evidence related to any vessels that may meet the delisting criteria in order to facilitate the updating of the list. The Chair encouraged CP's to ensure that any evidence provided was of a substantive and official nature.

The EU noted that it had information indicating that a vessel on NAFO's IUU list had been rendered unseaworthy and that it would endeavour to collect the supporting documentation. The EU noted that IUU vessel list accuracy and delisting would be relevant to all RFMO's and best practices should be shared.

DFG noted that sighting information should be updated and that additional information related to the disposition of the vessel should be collected. DFG indicated that supplementary information could include elements such as last known position or location and images of the vessel to assist with identification. The Chair noted that "sighting" information was not being collected and CPs should endeavour to submit any relevant information related to the IUU listed vessels to the NAFO Secretariat. The Chair further noted that STACTIC's function was to scrutinize the IUU vessel list to better capture delisting and promote the maintenance of an accurate list.

The US suggested the collection of hull stamps, generally located on the keel, could be collected where possible and made available in conjunction with other information already collected to assist in vessel identification. The Chair requested that the US look into the issue and provide additional guidance to STACTIC at the next Intersessional. DFG offered that the certification of nationality contains information on where hull stamps should be located on a vessel.

*Further consideration was given to the issue of delisting and CPs were encouraged to ensure evidence submitted, related to delisting, was of a substantive and official nature. STACTIC reviewed the IUU vessel list and noted that there were no changes to the list. Accordingly, no further action related to the NAFO IUU list was required.*

## 8. Inspectors Web Page

The Chair noted that the NAFO Secretariat had provided a report on the development of the inspectors webpage at the May Intersessional, concluding that Phase 1 was completed, although CPs were free to provide further input on improvements to the webpage. The Secretariat also explained that access to the website is possible through authorization of the head of delegations of CPs and the assignment of a password. The Chair reminded participants that this was a four-phase project with Phase 1 now complete, Phase 2 approved and under development, and Phases 3-4 to be approved and developed at a future time.

The Secretariat presented an update on the initiative and advised that the next step was to work with the developer on elements (as identified in WP 12/26 annex 2) to complete Phase 2 for the next Intersessional. CPs were further advised that Phase 2 would contain the at-sea inspection elements, with Phase 3 likely to include port inspection elements.

*It was agreed that the Chair would report to Fisheries Commission that:*

- *Phase 1 has been successfully completed;*
- *Delegation Heads, who have not already done so, should identify to the NAFO Secretariat any user who should have access to the webpage; and*
- *Elements under Phase 2 are being developed and should be ready for demonstration at the next STACTIC Intersessional, in spring of 2013.*

## 9. Editorial Drafting Group of the NAFO CEM (EDG)

The Chair introduced the initiative and requested that the EDG provide an update on its continuing work and priorities. The EDG provided a presentation (Annex 2) outlining the initiative and providing an overview to the representatives on

progress and next steps, including its intention to continue work as specified in that annex, particularly Articles 5 and 6.

The Chair observed that style/format standards should be developed for changes to the CEMS to ensure continuing uniformity and safeguarding of the revised CEMS format. The Chair committed to drafting a guidance document at a subsequent meeting for discussion at STACTIC.

The EDG also presented STACTIC WP 12/40 for the purpose of clarifying issues encountered during its work on Phase 2. The EDG explained that the changes were primarily intended to clarify CEM provisions and make non-substantive editorial adjustments. Russia and DFG requested time to reflect. The Chair encouraged CPs to review the changes to facilitate adoption at the STACTIC Intersessional. The Chair thanked the EDG for their efforts and closed the agenda item.

*It was agreed to defer STACTIC WP 12/40 to the STACTIC Intersessional to provide CPs with sufficient time to review the proposal.*

## 10. Possible revisions of the NAFO CEM

### a) Authorization to fish

DFG presented STACTIC WP 12/31 and noted it replaced STACTIC WP12/1.

The EU observed that the proposal added clarity to the existing provisions, however sought clarification on a number of issues and questioned why freezing capacity of vessel should be included. The US voiced concerns regarding refrigeration certification and the impact it may have on domestic vessels. The EU noted that there were international standards that could be applied and offered to work with the US on clarifying the issue.

FRANCE (SPM) supported the presentation that was obviously inspired by the NEAFC format, however preferred that language related to the capacity plan would not be as prescriptive. Japan and others expressed support for this paper. The US supported the FRANCE (SPM) position and preferred to see more flexibility in the capacity plan specification. The US also noted that the EDG was working on the issue based on a NEAFC review and would likely need additional time to review the issue.

DFG noted that the scale could be flexible, however the inspector should be able to measure whether the plan matches the hold.

Canada generally supported the proposal but noted that freezing capacity would not be applicable in all cases, as some vessels do not freeze the catch (e.g. fresh-fish vessels). Canada noted that a capacity plan standard scale was a good idea, as it was a key tool used by inspectors to calculate capacity. However, Canada was uncertain whether the proposed scale was the appropriate standard.

*It was agreed to forward STACTIC WP 12/31 (revision2) to Fisheries Commission for adoption.*

### b) Monitoring of Catch (Article 25)

DFG presented STACTIC WP 12/32 (revised) and noted that the proposal reflected discussions held during the recent STACTIC Intersessional. The US noted efforts to address confidentiality concerns and along with Norway supported the proposal.

The EU opposed the measure citing the existence of an elaborate monitoring system available to those CPs with an inspecting presence in the NRA. The EU further noted that the lack of access to data on fishing activities for CPs without inspection presence is based on existing rules. If CPs wanted access to information they could participate/contribute in the inspections process, as suggest by the PRP in recommendation #27. Other CPs expressed similar concerns.

DFG noted that this proposal would demonstrate to SC that there is transparency in the fishery. The EU remarked that there was a mixing of problems and that the reliability of data is another debate. DFG agreed to work with the CPs, in particular the EU, on matters related to this issue.

*There was no consensus on this issue and the agenda item was closed. The Chair noted that DFG was free to continue to seek support for this proposal.*

### c) Mid-water trawl in the 3M and 3O Redfish fisheries

Russia presented STACTIC WP 12/4 (revised) and explained the proposal was intended to better define mid-water trawl. Canada voiced support, however suggested a minor editorial change for clarity. The US noted the proposed

language was similar to US domestic regulations and supported the proposal. Russia presented STACTIC WP 12/4 (revision 3) to reflect comments made during the discussion.

*It was agreed to forward STACTIC WP 12/4 (revision 3) to Fisheries Commission for adoption.*

**d) Observer Program (Article 27)**

The Chair reminded representatives that the objective of this agenda item was to seek views on how the compliance observer program could work in the future and opened the floor for comments.

The EU noted the longstanding nature of this agenda item and remarked that the EU has explained its view at past meetings. The EU reaffirmed that it was in favour of keeping a compliance observer program, but noted that the current scheme was 15 years old and should be revisited given progress that has been made and advancements in technologies. The EU voiced concerns that the current system was costly, ineffective and should be revised noting that its proposal, STACTIC WP 11/27, that proposes the current observer program to move from 100% coverage to a case by case basis is still tabled for adoption. The EU suggested that Fisheries Commission should consider the feasibility of creating an independent NAFO observer program. Norway supported the idea that the observer program required revisions to take advantage of more modern tools and technology and to ultimately allow for consideration of coverage level reductions

Canada advised that it was open to new approaches in relation to observers and reminded representatives that it had submitted a working paper (STACTIC WP 04/29) in 2004 that proposed a risk-based approach to reductions below 100%. Canada noted that science still required information, such as catch per unit of effort, however this need could likely still be met with reduced coverage. Canada stated that with random observer distribution, to allow scientific sampling, a 15% to 20% coverage rate would likely suffice (but would increase with risk). Canada believes there is a role for the observer program in NAFO and that with additional checks and balance, such as tow-by-tow reporting and diligent inspections NAFO could move observer coverage rates away from 100%. Canada noted other elements that would need to be in place to facilitate an observe coverage reductions, such as timely provision of data in more frequently intervals – e.g. daily. Canada advised that it could support modifying the current observer scheme under certain conditions, and would be willing to work with CPs to explore options. Canada supported the EU suggestion regarding the possible option of an independent program, if it could be done in a cost effective manner, or alternatively, a CP could volunteer to take on the coordination role. Canada noted other improvements to the current program could include rotating observers, so as not to have an observer staying on the same vessel for an entire trip, or alternating observers so they are not working on a vessel from their CP.

Iceland questioned, given the main objective of the observer scheme was to obtain information on catches, whether the system was really necessary when one could accomplish this task by using catch data from daily catch reports and from electronic log books and surveillance. Iceland further noted that Article 27 b) of the CEMs already permits a 25% coverage level, made possible by electronic reporting, and questioned whether more data could be captured through other means. Iceland concluded that, in the event that some changes will be made, Article 27 b) should remain unchanged or further reduced.

US voiced support for the observer program, noting it is key to administering and monitor catch, however noted that its domestic observer program did not maintain a 100% coverage rate, rather it was based on a risk-based model that seeks to maximize the precision and representativeness of fishing operations. The US cautioned that any risk-based approach to deploy less than 100% observer coverage needs to consider multiple NAFO objectives, including but not limited to monitoring catch, compliance, and interactions with VMEs. The US also noted that it could support an independent observer program given the benefits, in particular gaining objectivity that is a challenge in a non-independent scheme.

In response to PREP recommendation (FC WP 12/8) calling for standard protocols to be developed and applied for the reporting of NAFO observer information, Canada tabled STACTIC WP 12/41 that proposed a standardized observer reporting framework. CPs discussed the proposal and agreed to support the initiative. The US noted that an observer report template is currently available on the NAFO website. US observers currently use this template when submitting observer reports to NAFO. Canada noted that this template needs to be reviewed to ensure it reflects existing observer requirements. The Chair asked about options for proceeding. Canada suggested the use of the EDG group, with any other interested parties would be the most practical approach. It was agreed to use the existing EDG group to develop the formats.

*It was agreed:*

- *That CPs would engage in a collaborative effort, using the EU proposal as a starting point, to explore*

*possible revisions to the NAFO Observer program that could be discussed at the next STACTIC Intersessional;*

- *That STACTIC should seek guidance from Fisheries Commission on how to proceed with assessing an independent NAFO Observer program given the costs and implications of this concept; and*
- *To forward STACTIC WP 12/41 (revised) to Fisheries Commission for adoption.*

**e) Product labelling by division and date of capture**

The Chair opened the discussion and noted the merger of STACTIC WP12/15 and STACTIC WP 12/18 into STACTIC WP 12/35. Canada presented the merged working paper and explained the linkage to PRP recommendations (GC Working Paper 11/2) intended to improve the traceability of fish.

The US supported the principle to facilitate the inspection process, however recognized that industry conducted a bulk buying of labels and would require time to comply with any new labelling provisions. Canada noted that the provision would not come into effect until next year, providing adequate time for vessels to adjust.

Iceland supported the concept but questioned how the label could always be visible. Russia also voiced concern that the label cannot always be visible. DFG supported Iceland's remark, noting the use of a labelling machine restricted the areas where the box can be marked. DFG also noted concerns over the proposed mandatory size of label, again due to the restrictive nature of the labelling machine. Canada agreed to strike the proposed new language and revert to the current language related to labels being "visible". The EU noted that the proposal was in line with PRP recommendations, however but did not support the "date of capture" provision for all species as it wished to avoid the reporting becoming unnecessarily difficult.

Canada introduced revised working paper reflecting the discussion and summarized the modifications. Canada reiterated the need to attribute fish to the area of capture in order to deal with different management regimes and promote improved traceability. Canada indicated that labelling provisions are important in at-sea inspections and would revisit further improvements at future meetings.

*It was agreed to forward STACTIC WP 12/35 (revision 3) to Fisheries Commission for adoption*

**f) Product labelling and stowage**

*This agenda item was combined with 10 e)*

**g) Catch recording in log books**

The Chair asked Canada to present STACTIC WP 12/16 and explain the elements of the proposal on tow (set) by tow (set) reporting in relation to catch recording in logbooks. Canada explained that many CPs already domestically require tow by tow recording and that SC had requested clear, tow by tow information. Canada noted that this data could also be used by NAFO inspectors to verify compliance with the CEMs. Russia supported the proposal as it was already a requirement in Russian logbooks.

The EU noted it could support the proposal due to the PRP-transparency linkage, but noted that daily reporting of catch must be maintained and that it would not be in favour of linking the reporting to infringements. Canada did not envisage reporting after each tow, just to capturing the data and reporting as per current reporting periods.

Based on CP interventions, Canada combined comments and STACTIC WP 12/17 into STACTIC WP 12/16 (revised).

The EU supported the concept and encouraged CPs to move toward greater use of electronic reporting, noting EU vessels are now able to provide electronic reports, however the NAFO systems are not yet capable of exploiting this technology.

Canada reiterated the importance of the proposal given the linkage to the issue of catch estimates discrepancies. Russia noted its concerns over the treatment of confidential commercial information and expressed the desire to consult with industry. The US noted the Rules of Confidentiality provisions that exist with the CEM (Annex II.B) and felt confident that confidentiality of information would not be an issue. Canada noted Russian concerns and offered to remove the logbook submission component noting the importance of maintaining the requirement for tow by tow documentation. Canada provided a revised proposal based on comments made during the discussion.

*It was agreed to forward STACTIC WP 12/16 (revision 3) to Fisheries Commission for adoption with the understanding that the rules of confidentiality would be discussed at the intersessional so that fishing logbooks could be sent to the NAFO Secretariat.*

h) **Communication of catch in cases where by-catch limits are exceeded**

*This agenda item and STACTIC WP 12/17 was combined with 10 e) and STACTIC WP 12/16 (revised)*

i) **“Cancel” report**

The Chair asked Russia to introduce STACTIC WP 12/20. Russia noted that it had first presented this proposal at the 2010 NAFO Annual meeting where it was agreed to have the AGDC technically review the proposal. Russia reported that the AGDC has since assessed the proposal and deemed acceptable. Furthermore, Russia noted that NEAFC adopted a similar proposal at its 2011 annual meeting. CPs fully supported the proposal in light of the AGDC assessment and its adoption at NEAFC.

*It was agreed to forward STACTIC WP 12/20 to Fisheries Commission for adoption.*

j) **New error codes**

Russia presented STACTIC WP 12/21 (revised) noting that a similar proposal had been adopted in NEAFC during its 2011 Annual meeting. Canada remarked that this was a source of endless frustration and fully endorsed the proposal to address this error code issues. DFG also fully supported the proposal.

*It was agreed to forward STACTIC WP 12/21 (revised) to Fisheries Commission for adoption.*

k) **Amendment of Chapter I, Article 5.2**

Russia presented STACTIC WP 12/22 (revised) noting that there appears to be a conflict in the CEM between the apparent implication of Article 5.2 requiring discards of fish once a quota has been reached and the desire in other provisions of the CEM to eliminate wasteful discards. This conflict was having a negative impact on the Russian NAFO fishery. Russia encouraged CPs to reflect on the requirements and possible options to address Russia's issue. Japan noted that it was expecting a discussion at Fisheries Commission on this issue. Canada noted that this was fundamentally an allocation decision and therefore a Fisheries Commission issue as noted by Japan.

The EU remarked that the EDG was currently working on this issue to clarify the wording of the existing system within the CEM and that through this it may become more apparent that the issue must be transferred to Fisheries Commission for resolution/direction.

Russia, DFG and Iceland noted issues with implementing these CEM provisions given inconsistencies with domestic regulations, prohibiting discards.

Russia suggested one possible solution, that would not require changing the entire system could be to develop new by-catch provisions for those CPs that have quota in this fishery. The EU expressed sympathy for the Russia position but noted that all CPs are confronted with the same problem and explained the EU manages the process through estimating by-catch to stay within quota limits.

*It was agreed that the Chair would report to Fisheries Commission that STACTIC WP 12/22 (revised) was presented to STACTIC and highlight concerns raised during the discussion. The Chair will also note that STACTIC felt that this issue fell outside of its jurisdiction because it involves fundamental policy issues regarding discards and implied allocation issues and therefore would recommend that Fisheries Commission deliberate on the matter.*

l) **Proposed Amendment to NCEM Annex IV.B**

FRANCE (SPM) presented STACTIC WP 12/34 and indicated that the objective of the proposal was to allow others besides authorized inspections to conduct sightings, effectively allowing a greater number of individuals to report information. Canada supported the concept, noting the more reporting on NCP activity the better.

The EU support the change and suggested widening the scope so as not to preclude anyone for providing information on NCP vessels. To this end, CPs agreed to remove the reference to “authorized inspectors” in favour of more generic terminology, allowing any CP official to provide such information to NAFO. FRANCE (SPM) revised its proposal to reflect the discussion.

*It was agreed to forward STACTIC WP 12/34 (revision 1) to Fisheries Commission for adoption.*

## 11. Standard Conversion Factors

This item was introduced by Canada at the intersessional meeting and received much discussion, although there were no specific recommendations put forward at the meeting. The Chair opened the agenda item and noted that the NAFO Secretariat had compiled the conversion factors provided by CPs, in accordance with a request to do so, made at the intersessional meeting. The Chair noted the elevated importance of this issue in context of General Council and Fisheries Commission discussions linked to catch estimate discrepancies.

Canada communicated the perception by industry that discrepancies indirectly lead to the acquisition of a greater quota (tonnage difference) irrespective of different processing formats. After reviewing the CP provided conversion factors Canada noted that NRA regulated species (e.g. RED, GHL, SKA, COD, PLA) had a large degree of variation within the same species. Canada further noted that SC believes that there is a potential linkage with catch estimates inaccuracies currently being discussed in General Council. Canada expressed its view that it would like to see standardization, to the degree possible, of NRA for regulated species conversion factors. Canada advised that it would be convenient to have everyone using the same conversion factors and suggested conducting NRA sampling with species and cuts to arrive at a consistent conversion factor in the NRA, possibly through an independent study. Canada noted that, given the relatively small volume of vessels operating in the NRA and limited number of species and associated product forms, a sampling methodology could be developed that would be unique to NRA regulated species. Canada concluded that addressing this issue was imperative given the effect on quota and inequalities created by using different conversion factors. The US noted that it could support the Canadian proposal.

The EU noted that there was much discussion on this issue at the last intersessional, however remarked that the extent and the degree to which the issue linked up with catch estimates was still not known. The EU noted that it could not constraint vessels based on market demands and that the fleet needed flexibility to change product forms, and therefore conversion factors, to respond to market demands. The EU also noted that any work in this area should not open the door to new infringements, as in the context of the CEM's, the use of vessel Master's conversion factors formed an adequate basis for verifying compliance.

FRANCE (SPM) observed that domestic regulations were based on scientific principles and yet there were still differences, therefore it was sceptical that even with science it would be possible to get to a single set of NRA conversion factors. The EU was not in favour of enlisting scientists and suggested the possible posting on the website of a single table, regrouping by regulated species product forms and corresponding conversion factors, to allow for easier comparisons and to permit a review of whether Master conversion factors fell within set ranges.

DFG expressed an interest in transparency as it relates to quota uptake and voiced support for an exercise to arrive at a standard conversion factor. DFG further noted that NEAFC had successfully conducted such an exercise for redfish and DFG and Russia had been able to bilaterally negotiated conversion factors for certain species under fisheries agreements.

In the interest of advancing this issue, the EU provided the Secretariat with an aggregated comparative table of the data derived from CP submissions and suggested that, both the table and the original submissions, be made available on the Practices and Procedures webpage to assist STACTIC with a further review and analysis.

To provide a way forward, Canada presented STACTIC WP 12/39 (revision 3) and gave a brief summary of the content, suggesting that Canada could hire an external project manager/coordinator, funded by Canada, to lead a project to establish standard conversion factors for the primary NAFO regulated species. Canada noted that, if approved by Fisheries Commission, it would agree to develop a project framework for consideration of STACTIC at its next Intersessional meeting. The intent of this proposal would be to have FC approve the development of this project and if agreed to by STACTIC at the intersessional, the project could be implemented without further consideration by the FC.

*It was agreed to forward STACTIC WP 12/39 (revision 3) to Fisheries Commission for adoption.*

## 12. NAFO VMS

The NAFO Secretariat elaborated on STACTIC WP 12/29 noting that it had contacted the current service provider (Visma) to review cost sharing and the possibility of a shorter term contract. The Secretariat advised that a new cost sharing arrangement would be more transparent and allow for a lower proportional charge to CPs, and that the service provider had no issue with a contract of a shorter term than 5 years.

The US noted its satisfaction with the service provider's performance, however advised that some costly updates had been necessary and its preference would be for a more cost-effective process, whether through shorter contract or other mechanism.

Canada also indicated that it had no issues with the current service provider's performance and suggested that it may be desirable to maintain a proven service provider that is familiar with NAFO's business. Canada also remarked that the proposed increase in fee was modest and within acceptable norms and that the use of option years on a contract might resolve the short versus long term contract discussion.

***STACTIC agreed to recommend to Fisheries Commission that the Secretariat begin negotiations with the current VMS service provider (Visma) to renew the current contract for a further 5 years, or other term as may be recommended by STACFAD.***

### **13. International Monitoring, Control and Surveillance (IMCS) Network**

The Chair introduced the agenda item and pointed out the benefits and PRP recommendation, calling for greater integration with other international fisheries organization, would need to be weighed against costs (e.g. travel) and work obligations.

Canada noted that some CPs already individually attended the IMCS Network and questioned the added benefit given one of the organizations primary objectives is capacity development. Canada indicated that it was not opposed to information sharing and other cooperative engagement, however was not sure formally joining the organization was good investment at this time. Canada concluded that STACFAD should be consulted on available funds given this expense was not a priority and the organization itself has struggled since its inception.

The EU supported the Canadian comments, emphasising that joining an organization such as the IMCS Network should bring value to NAFO, and that did not appear to be the case at this time. DFG expressed its support for revisiting the issue at a later date. CP's expressed the desire to await the positions of other RFMO's, regarding joining the IMCS Network, as it was not known whether other RFMO's had chosen to join or not.

The US noted CPs that were already members of the IMCS Network could act as liaisons/observers as they do with other international fisheries organizations.

***CPs agreed to report to the Fisheries Commission that there would be limited benefit to joining the IMCS Network at this time, given the added cost to NAFO and the fact that some CPs were already members. CPs further noted that the issue of membership could be revisited at a later date, as the IMCS Network evolves.***

### **14. Other Matters**

#### **a. Immunities from jurisdiction of inspectors**

Canada presented STACTIC WP 12/36 noting past events had made it apparent that this issue required some attention. Canada explained that the proposal did not create any new rights or privileges, rather it reflected existing international law and its inclusion in the CEMs would act to inform parties of the provisions and alleviate potential future incidents.

France (SPM) questioned whether it would not be more appropriate for General Council or Fisheries Commission to consider this issue. Russia supported the France (SPM) position, while DFG and Japan voiced the need to speak to their respective justice (legal) and foreign affairs ministries. Canada acknowledged the various positions and suggested CPs consult on the issue in advance of the next intersessional.

***It was determined that more time was required to allow CPs to consult on the matter and reflect on which NAFO body was most appropriate to consider this proposal. It was agreed that STACTIC would revisit this matter at its next Intersessional.***

#### **b. Consideration of a joint NEAFC/NAFO ad hoc Working Group on the AGDC**

The Chair asked the NAFO Secretariat to present STACTIC WP 12/30. The Secretariat provided a summary of the issue and explained that the paper endorsed the acceptance of the invitation to participate in the AGDC ad hoc working group.

Canada supported participation however sought clarification on the level of commitment required from CPs. DFG explained that technical representatives from all CPs would be welcome to participate, however participation would not be mandatory. DFG supported the initiative and encouraged participation from all CPs to facilitate greater harmonization and to allow both RFMO's to benefit from the group's work.

The EU also was fully in favour of accepting the invitation, especially in the context of NAFO's impending progression to electronic logbooks and the adoption of new data elements.

*CPs agreed to recommend to the Fisheries Commission that NEAFC's offer, to co-establish the ad hoc Working Group on the AGDC, be accepted under the established terms of reference. Representatives from all CPs are invited to participate, including technical representatives. The Secretariats of NAFO and NEAFC will be responsible for the logistics of administering this working group.*

*c. Clarification of the process concerning the closure of the redfish fishery in Division 3M*

The Chair noted that this agenda item was being considered at the request of the Fisheries Commission. Canada introduced STACTIC WP12/37, explaining that this proposal was drafted in response to the Fisheries Commission request calling for STACTIC to review closure procedures in this fishery in order to add clarity to the process and mitigate the risk of total allowable catch (TAC) overruns.

The Chair noted that Annex I.A, footnote 19, applicable only to France (SPM), Korea, US and DFG, was not considered in the paper and would need to be reflected. The US expressed the view that this proposal provided a good short-term solution, however noted that a longer-term solution should be reflected upon. Canada revised the working paper based on comments and resubmitted it to the CPs for consideration. Canada further noted that the proposal was only intended to address the process for closure and not delve into issues related to the management of the fishery. Russia did not support the proposal as it felt it would encourage discards. The Chair pointed out that this recommendation provides wording requested by the Fisheries Commission concerning the closure of the redfish fishery in Division 3M and is left to Fisheries Commission to consider its inclusion in the CEM.

*It was agreed to forward STACTIC WP 12/37 (revision 3) to Fisheries Commission for its consideration.*

## **15. Election of Chair and Vice Chair**

The Chair noted that his term as STACTIC Chair had concluded and opened the floor to nominations.

Canada supports the re-nomination of Gene Martin (US) as Chair of STACTIC. All CPs supported the re-appointment and thanked the Chair for his continuing service. The Chair graciously accepted the re-appointment.

The US nominated Aronne Spezzani (EU) to the position of Vice Chair. CPs supported the nomination.

## **16. Time and Place of Next Meeting**

STACTIC is tentatively planning to meet at NEAFC Headquarters in April or May, 2013.

## **17. Adoption of Report**

The report was adopted by Contracting Parties on Thursday, September 20, 2012.

## **18. Adjournment**

The Chair adjourned the meeting at 1:42 p.m. on Thursday, September 20, 2012.

## Annex 1. Agenda

1. Opening by the Chair, Gene Martin (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Consideration of Recommendations from the Performance Review Panel and Expert Panel Recommendations Relevant to STACTIC
5. Compliance review 2011 including review of reports of Apparent Infringements
6. Review and evaluation of Practices and Procedures
7. Review of current IUU list pursuant to NAFO CEM Article 51.3
8. Inspectors Web Page
9. Editorial Drafting Group of the NAFO CEM (EDG)
10. Possible revisions of the NAFO CEM
  - a) Authorization to Fish
  - b) Monitoring of Catch (Article 25)
  - c) Mid-Water trawl in the 3M and 3O Redfish fisheries
  - d) Observer Program (Article 27)
  - e) Product labelling by division and date of capture
  - f) Product labelling and stowage
  - g) Catch recording in log books
  - h) Communication of catch in cases where by-catch limits are exceeded
  - i) “Cancel” report
  - j) New error codes
  - k) Amendment of Chapter I, Article 5.2
  - l) Proposed Amendment to NCEM Annex IV.B
11. Standard conversion factors
12. NAFO VMS
13. International Monitoring Control and Surveillance (IMCS) Network
14. Other Matters
  - a) Immunities from jurisdiction of inspectors
  - b) Consideration of a joint NEAFC/NAFO *ad hoc* Working Group on the AGDC
  - c) Clarification of the process concerning the closure of the redfish fishery in Division 3M
15. Election of Chair and Vice-Chair
16. Time and Place of Next Meeting
17. Adoption of Report
18. Adjournment

## **Annex 2. Presentation by Editorial Drafting Group of the NAFO CEM (EDG)**

### **EDG Phase II Priorities**

#### **Divided into 3 groups:**

1. Core issues for reorganization
2. Clarification of existing measures
3. Issues for further discussion

#### **Core Issues for Reorganization**

1. Catch and Bycatch (Articles 5, 6, and parts of 9)
  - Redraft articles into new style and organization
  - Better distinguish directed stock quotas and “others” quotas
  - Clarify how bycatch ratios are applied (trip, cumulative, etc)
  - Clarify application of closures (directed fisheries)
2. Non-contracting party scheme (Articles 45-53)
  - Redraft section into new style and organization
3. Any other issues that may be raised

#### **Clarification of Existing Measures**

- Article 1 – Define regulated as those listed in Annex I.A and B
- Article 7.9 – Adding parenthesis for consistent format
- Article 13(d) – 130 mm mesh applies to groundfish defined in Annex I.C
- Article 16.1 – Insert new Figure 2 for seamount, coral and sponge protection zones
- Article 22.3 – Clarify applicability of NOT messages
- Article 25 – Clarify elements of fishing and production logbook and stowage plans
- Article 26 – Replaced “data” with “position data” throughout for clarity
- Article 30 – Reorganize paragraph 2 and clarify how long Secretariat must maintain surveillance reports
- Article 36.2 – Clarify language regarding applicability of notices of infringements
- Annex II.A – Reorganize logbook elements and clarify gear used
- Correct several inaccurate references and capitalization errors

#### **Issues for Further Discussion**

1. Define which skate species referenced in Annex I.A.
2. Specify uniform conversion factors to convert product weight to live/round weight for all stocks.

### **EDG Phase II Progress**

- Core issues for reorganization - **Still pending**
  - Meeting scheduled for October 23-25 in Boston
  - Proposals for Articles 5 and 6 are nearly complete
  - Intention to finalize by next intersessional meeting
- Most clarification issues – **Mostly resolved**
  - Working paper presented (STACTIC WP 12-40)
- 1 issue for further discussion by STACTIC
  - Working paper on conversion factors pending (STACTIC WP 12-25)

